



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

Certified Mail No. 7015 0640 0001 1122 1748  
Return Receipt Requested

Jerry D. Worsham II  
Attorney at Law  
The Cavanagh Law Firm, P.A.  
1850 North Central Avenue, Suite 2400  
Phoenix, AZ 85004

SEP 19 2018

Re: Consent Agreement and Final Order  
In the Matter of: True View Windows & Glass Block, Inc.

Dear Mr. Worsham:

Enclosed please find the final executed Consent Agreement and Final Order (CA/FO) between the United States Environmental Protection Agency, Region 9, and True View Windows & Glass Block, Inc.

True View Windows & Glass Block, Inc. full compliance with the payment terms and completion of all actions enumerated in this CA/FO will close this case.

If you have any questions, please contact David Kim, in the Office of Regional Counsel, at (415) 972-3882.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas K. McDaniel".

Douglas K. McDaniel  
Manager  
Waste and Chemical Section  
Enforcement Division

Enclosure

cc: David Kim

SYLVIA QUAST  
Regional Counsel  
United States Environmental Protection Agency, Region IX

DAVID H. KIM  
Assistant Regional Counsel  
United States Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105  
(415) 972-3882

Attorneys for Complainant

\*\* FILED \*\*

19SEP2018 - 02:35PM

U.S.EPA - Region 09

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 HAWTHORNE STREET  
SAN FRANCISCO, CALIFORNIA 94105

_____	)	Docket No. TSCA-09-2018- <u>0066</u>
In the Matter of:	)	
True View Windows & Glass Block, Inc.	)	CONSENT AGREEMENT
	)	AND FINAL ORDER PURSUANT TO
	)	40 C.F.R. §§ 22.13 and 22.18
Respondent	)	
_____	)	

I. CONSENT AGREEMENT

The United States Environmental Protection Agency, Region IX (“EPA Region IX”) and True View Windows & Glass Block, Inc. (“Respondent”) agree to settle this case initiated under the Toxic Substances Control Act (“TSCA” or the “Act”), 15 U.S.C. §§ 2601 *et seq.*, and consent to the entry of this Consent Agreement and Final Order (“CAFO”), which simultaneously commences and concludes this matter pursuant to 40 C.F.R. §§ 22.13 and 22.18.

### A. AUTHORITY AND PARTIES

1. This is a civil administrative action brought against Respondent pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits at 40 C.F.R. Part 22 for violations of Section 409 of TSCA, 15 U.S.C. § 2689, associated with Respondent's failure to comply with Section 402 of TSCA, 15 U.S.C. § 2682, and its implementing regulations promulgated at 40 C.F.R. Part 745, Subpart E.
2. The Complainant is the Chief of the Waste and Chemical Section of the Air, Waste and Toxics Branch, Enforcement Division, EPA Region IX. The Administrator of EPA delegated to the Regional Administrator of EPA Region IX the authority to bring this action under TSCA. In turn, the Regional Administrator of EPA Region IX further delegated the authority to bring this action under TSCA to the Chief of the Waste and Chemical Section of the Air, Waste and Toxics Branch, Enforcement Division.
3. Respondent is an Arizona corporation whose principal offices are located at 2222 E. Jones Avenue, in Phoenix, Maricopa County, Arizona.

### B. STATUTORY AND REGULATORY BASIS

4. Pursuant to Section 402(a) and (c) of TSCA, 15 U.S.C. § 2682(a) and (c), 40 C.F.R. Part 745, Subpart E provides requirements for certification of individuals and firms engaged in lead-based paint activities and work practice standards for renovation, repair, and painting activities in target housing and child occupied facilities.
5. "Target housing" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling. Section 401 of TSCA, 15 U.S.C. § 2681.
6. "Person" means any natural or judicial person including any individual, corporation, partnership, or association; any Indian Tribe, State, or political subdivision thereof; any

interstate body; and any department, agency, or instrumentality of the Federal Government. 40 C.F.R. § 745.83.

7. “Firm” means a company, partnership, corporation, sole proprietorship, or individual doing business, association, or other business entity; a Federal, State, Tribal, or local government agency; or a nonprofit organization. 40 C.F.R. § 745.83.
8. “Renovation” means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is part of an abatement as defined by 40 C.F.R. § 745.223. The term renovation includes (but is not limited to): the removal, modification or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of building components (e.g., walls, ceilings, plumbing windows); weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planning thresholds to install weatherstripping), and interim controls that disturb painted surfaces. The term renovation does not include minor repair and maintenance activities. 40 C.F.R. § 745.83.
9. “Renovator” means an individual who either performs or directs workers who perform renovations. 40 C.F.R. § 745.83.
10. “Certified renovator” means a renovator who has successfully completed a renovator course accredited by EPA or an EPA-authorized State or Tribal program. 40 C.F.R. § 745.83.
11. Section 16(a) of TSCA, 15 U.S.C. § 2615(a), authorizes the assessment of a civil penalty not to exceed \$25,000 per day for each violation of Section 409 of TSCA, 15 U.S.C. § 2689. This statutory maximum civil penalty has been raised to \$37,500 per day for each violation that occurred after January 12, 2009 pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended, and its implementing

regulation, the Civil Monetary Penalty Inflation Adjustment Rule codified at 40 C.F.R. Part 19.

### C. ALLEGED VIOLATIONS

12. Respondent is a “person” as that term is defined at 40 C.F.R. § 745.83.
13. At all times relevant to this CAFO, Respondent was a “firm” as that term is defined at 40 C.F.R. § 745.83.
14. Between August 2016 and September 2016, Respondent performed “renovations,” as that term is defined at 40 C.F.R. § 745.83, for compensation at residential properties located at: (1) 510 W. Coolidge Street in Phoenix, Arizona; (2) 2622 W. Flower Street in Phoenix, Arizona; and (3) 8817 N. 11<sup>th</sup> Place in Phoenix, Arizona.
15. At all times relevant to the CAFO, the residential properties located at 510 W. Coolidge Street in Phoenix, Arizona; 2622 W. Flower Street in Phoenix, Arizona; and 8817 N. 11<sup>th</sup> Place in Phoenix, Arizona were “target housing” as that term is defined at 40 C.F.R. § 745.83.
16. Firms performing renovations for compensation must obtain, from the property owner, a written acknowledgment that the owner has received the EPA lead hazard information pamphlet, or a certificate of mailing for the identified pamphlet at least seven days prior to the renovation. 40 C.F.R. § 745.84(a)(1).
17. At all times relevant to this CAFO, Respondent failed to obtain, from the property owners, written acknowledgments that the owners had received the EPA lead hazard information pamphlets, or certificates of mailing at least seven days prior to the renovations for the renovations at 510 W. Coolidge Street in Phoenix, Arizona and 2622 W. Flower Street in Phoenix, Arizona.
18. Respondent’s failure to obtain, from the property owners, written acknowledgments that the owners had received the EPA lead hazard information pamphlets, or certificates of mailing at least seven days prior to the renovations for 510 W. Coolidge Street in

Phoenix, Arizona and 2622 W. Flower Street in Phoenix, Arizona constitutes two violations of 40 C.F.R. § 745.84(a)(1) and Section 409 of TSCA, 15 U.S.C. § 2689.

19. Firms performing renovations for compensation must post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area. These signs must be posted before beginning the renovation and must remain in place and readable until the renovation and post-renovation cleaning verification have been completed. 40 C.F.R. § 745.85(a)(1).
20. At all times relevant to this CAFO, Respondent failed to post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area for renovations at 510 W. Coolidge Street in Phoenix, Arizona; 2622 W. Flower Street in Phoenix, Arizona; and 8817 N. 11<sup>th</sup> Place in Phoenix, Arizona.
21. Respondent's failure to post appropriate signs for renovations at 510 W. Coolidge Street in Phoenix, Arizona; 2622 W. Flower Street in Phoenix, Arizona; and 8817 N. 11<sup>th</sup> Place in Phoenix, Arizona constitutes three violations of 40 C.F.R. § 745.85(a)(1) and Section 409 of TSCA, 15 U.S.C. § 2689.
22. Firms performing renovations for compensation must retain and make available to EPA all records necessary to demonstrate compliance with 40 C.F.R. Part 745, Subpart E for a period of 3 years following completion of the renovation. 40 C.F.R. § 745.86(a).
23. Records that must be retained pursuant to 40 C.F.R. § 745.86(a) shall include documentation that a certified renovator provided on-the-job training for workers used on a renovation.
24. At all times relevant to this CAFO, Respondent failed to keep documentation that a certified renovation provided on-the-job training for workers used on renovations at 510 W. Coolidge Street in Phoenix, Arizona; 2622 W. Flower Street in Phoenix, Arizona; and 8817 N. 11<sup>th</sup> Place in Phoenix, Arizona.

25. Respondent's failure to keep documentation that a certified renovation provided on-the-job training for workers used on renovations at 510 W. Coolidge Street in Phoenix, Arizona; 2622 W. Flower Street in Phoenix, Arizona; and 8817 N. 11<sup>th</sup> Place in Phoenix, Arizona constitutes three violations of 40 C.F.R. § 745.86(b)(6) and Section 409 of TSCA, 15 U.S.C. § 2689.
26. Records that must be retained pursuant to 40 C.F.R. § 745.86(a) shall include documentation that a certified renovator performed or directed workers who performed all of the tasks described in 40 C.F.R. § 745.85(a) for the renovation.
27. At all times relevant to this CAFO, Respondent failed to keep documentation that a certified renovator performed or directed workers who performed all of the tasks described in 40 C.F.R. § 745.85(a) for the renovations at 510 W. Coolidge Street in Phoenix, Arizona; 2622 W. Flower Street in Phoenix, Arizona; and 8817 N. 11<sup>th</sup> Place in Phoenix, Arizona.
28. Respondent's failure to keep documentation that a certified renovator performed or directed workers who performed all of the tasks described in 40 C.F.R. § 745.85(a) for the renovations at 510 W. Coolidge Street in Phoenix, Arizona; 2622 W. Flower Street in Phoenix, Arizona; and 8817 N. 11<sup>th</sup> Place in Phoenix, Arizona constitutes three violations of 40 C.F.R. § 745.86(b)(6) and Section 409 of TSCA, 15 U.S.C. § 2689.
29. Records that must be retained pursuant to 40 C.F.R. § 745.86(a) shall include documentation that a certified renovator performed the post-renovation cleaning verification described in 40 C.F.R. § 745.85(b) for the renovation.
30. At all times relevant to this CAFO, Respondent failed to keep documentation that a certified renovator performed the post-renovation cleaning verification described in 40 C.F.R. § 745.85(b) for the renovations at 510 W. Coolidge Street in Phoenix, Arizona; 2622 W. Flower Street in Phoenix, Arizona; and 8817 N. 11<sup>th</sup> Place in Phoenix, Arizona.
31. Respondent's failure to keep documentation that a certified renovator performed the post-renovation cleaning verification described in 40 C.F.R. § 745.85(b) for the renovations at

510 W. Coolidge Street in Phoenix, Arizona; 2622 W. Flower Street in Phoenix, Arizona; and 8817 N. 11<sup>th</sup> Place in Phoenix, Arizona constitutes three violations of 40 C.F.R. § 745.86(b)(6) and Section 409 of TSCA, 15 U.S.C. § 2689.

32. Records that must be retained pursuant to 40 C.F.R. § 745.86(a) shall include documentation that a certified renovator was assigned to the project. 40 C.F.R. § 745.86(b)(6).
33. At all times relevant to this CAFO, Respondent failed to keep documentation that a certified renovator was assigned to the renovations at 510 W. Coolidge Street in Phoenix, Arizona; 2622 W. Flower Street in Phoenix, Arizona; and 8817 N. 11<sup>th</sup> Place in Phoenix, Arizona.
34. Respondent's failure to keep documentation that a certified renovator was assigned to the renovations at 510 W. Coolidge Street in Phoenix, Arizona; 2622 W. Flower Street in Phoenix, Arizona; and 8817 N. 11<sup>th</sup> Place in Phoenix, Arizona constitutes three violations of 40 C.F.R. § 745.86(b)(6) and Section 409 of TSCA, 15 U.S.C. § 2689.
35. Firms performing renovations for compensation must obtain from EPA initial certification to perform renovations or dust sampling. 40 C.F.R. § 745.89(a).
36. Firms performing renovations for compensation must become recertified or discontinue performing renovations once their initial EPA certification expires. 40 C.F.R. § 745.89(b).
37. From July 15, 2015 through October 16, 2016, Respondent failed to renew its initial certification from EPA to perform renovations or dust sampling.
38. Respondent's failure to renew its initial certification to perform renovations or dust sampling from July 15, 2015 through October 16, 2016 constitutes a violation of 40 C.F.R. § 745.89(b) and Section 409 of TSCA, 15 U.S.C. § 2689.

#### D. RESPONDENT'S ADMISSIONS

39. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding, Respondent (i) admits that EPA has jurisdiction over the subject matter of this CAFO and

over Respondent; (ii) neither admits nor denies the specific factual allegations contained in the CAFO; (iii) consents to any and all conditions specified in this CAFO, including the Supplemental Environmental Project specified in Section I.E of this CAFO and to the assessment of the civil administrative penalty under Section I.F of this CAFO; (iv) waives any right to contest the allegations contained in the CAFO; and (v) waives the right to appeal the proposed final order contained in this CAFO.

E. SUPPLEMENTAL ENVIRONMENTAL PROJECT (“SEP”)

40. Within three (3) months after the effective date of this CAFO, Respondent shall donate a minimum of six (6) LeadCare II blood lead analyzers and one box of LeadCare II test kits per analyzer to not-for-profit community health care clinics in Maricopa County, Arizona that possess a valid certificate of waiver pursuant to the federal Clinical Laboratory Improvement Amendments of 1988 (“CLIA Waiver”), 42 U.S.C. § 263a, and are approved by EPA pursuant to Paragraph 41 of this CAFO. In performing this SEP, Respondent shall donate one analyzer and one box of test kits per clinic.
41. No less than twenty (20) calendar days prior to donation of any analyzer and/or test kit under Paragraph 40, Respondent shall provide to EPA a written notice of the clinic(s) selected for donation for EPA review and approval. The written notice must include the name and address of the clinic(s) as well as a copy of the CLIA waiver for the clinic. EPA shall review and approve or disapprove the identified clinic(s) at least ten (10) calendar days prior to donation.
42. Upon Respondent’s written request, EPA may grant, in writing, additional time to complete the donation of analyzers and test kits if Respondent can demonstrate that, despite its best efforts, it could not complete the donations within the given three (3) month period.
43. In performing this SEP, Respondent shall spend a minimum of FOURTEEN THOUSAND, NINE HUNDRED AND FORTY DOLLARS (\$14,940). If Respondent meets the minimum number of analyzers and test kits to be donated pursuant to Paragraph 40 and Appendix without spending the minimum amount set forth in this paragraph, Respondent

shall donate additional analyzers and test kits, consistent with the terms and conditions of this CAFO, until the minimum amount has been spent.

44. Within four (4) months of the effective date of this CAFO, Respondent shall submit to EPA a Final Report that includes:
  - a. the exact type of analyzer and test kits purchased;
  - b. the date(s) of purchase;
  - c. the date (s) of donation; and
  - d. proof of payment for all purchases made pursuant to the SEP.
45. In performing this SEP, Respondent certifies that:
  - a. all cost information that Respondent provides to EPA in connection with the SEP is complete and accurate and, in good faith, Respondent estimates that the cost to implement the SEP is a minimum of FOURTEEN THOUSAND, NINE HUNDRED AND FORTY DOLLARS (\$14,940).
  - b. as of the date of execution of this CAFO, Respondent is not required to perform the SEP by any federal, state, or local law or by agreement or grant or as injunctive relief in any other action in any forum;
  - c. the SEP is not a project that Respondent was planning or intending to perform other than in settlement of the claims alleged in this CAFO;
  - d. Respondent has not and will not receive credit for the SEP in any other enforcement action;
  - e. neither Respondent nor the recipient clinics will receive reimbursement from another person or entity for any portion of the SEP; and
  - f. for federal income tax purposes, Respondent will not deduct any cost or expenditure incurred in performing the SEP.
46. Respondent shall maintain legible copies of all documentation relevant to the SEP and report submitted to EPA pursuant to this CAFO for a minimum of one (1) year from

performance of the SEP and shall provide such documentation to EPA not more than seven (7) days after an EPA request for such information.

47. The SEP shall be deemed “satisfactorily performed” when Respondent has made the donations described in Paragraph 40, expended the minimum amount identified in Paragraph 43, and submitted the Final Report to EPA described in Paragraph 44. If Respondent is not granted an extension of time pursuant to Paragraph 42 and fails to complete the donation within the deadline set forth in Paragraph 40 and expend the minimum amount set forth in Paragraph 43, Respondent must pay a stipulated penalty of the difference between \$14,940 and the amount that Respondent actually spent in accordance with this CAFO, plus an additional 10% of the remaining balance. If Respondent fails to submit to EPA the Final Report by the deadline set forth in Paragraph 44, upon EPA’s written request, Respondent must pay a stipulated penalty of \$150 for each day that the report is delinquent until Respondent submits the report.
48. Any submittal to EPA required under Section I.E of this CAFO shall be sent by certified mail, return receipt requested to:

Max Weintraub  
Waste & Chemical Section (ENF-2-2)  
Enforcement Division  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

49. Any public statement, written or oral, in print, film, or other media, that Respondent or Respondent’s representative makes in reference to the SEP must include the following language: “This project was undertaken in connection with the settlement of an enforcement action that the U.S. Environmental Protection Agency brought for alleged violations of the Toxic Substances Control Act and federal lead-based paint regulations at 40 C.F.R. Part 745, Subpart E.”

50. All submittals required by this CAFO that purport to document compliance with the terms of this CAFO shall contain the following certification language signed by a responsible official of Respondent:

“I certify that under penalty of law that the information contained in or accompanying this document is true, accurate, and complete. As to the identified portion(s) of this document for which I cannot personally verify (its/their) truth and accuracy, I certify that, based on my inquiry of the person or persons directly responsible for gathering the information, the information is true, accurate, and complete.”

F. CIVIL ADMINISTRATIVE PENALTY

51. In settlement of the civil claims alleged in Section I.C of the CAFO, Respondent hereby consents to the assessment of a civil penalty in the amount of FIFTEEN THOUSAND, AND SIXTY DOLLARS (\$15,060). The civil penalty shall be paid within thirty (30) days of the effective date of this CAFO, according to the terms of this CAO. Payment shall be made by cashier's or certified check payable to the "Treasurer, United States of America," or paid by one of the other methods listed below and sent as follows:

Regular Mail:

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

Wire Transfers:

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

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT Address = FRNYUS33  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

Overnight Mail:

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
ATTN Box 979077  
St. Louis, MO 63101

ACH (also known as REX or remittance express):

US Treasury REX/Cashlink ACH Receiver  
ABA: 051036706  
Account Number: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 – checking  
Physical location of US Treasury Facility:  
5700 Rivertech Court  
Riverdale, MD 20737  
Remittance Express (REX): 1-866-234-5681

On Line Payment:

This payment option can be accessed from the information below:

[www.pay.gov](http://www.pay.gov)

Enter “sfo l.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.

The payment shall be accompanied by a transmittal letter identifying: (1) Respondent, (2) the case name, and (3) the case docket number. Concurrent with delivery of the payment of the penalty, Respondent shall send a copy of the 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, and transmittal letter to:

Regional Hearing Clerk  
Office of Regional Counsel (ORC-1)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

Max Weintraub  
Enforcement Division (ENF-2-2)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

52. Payment of the above civil administrative penalty shall not be used by Respondent or any other person as a tax deduction from Respondent's federal, state, or local taxes.
53. If Respondent fails to pay the civil administrative penalty specified in Paragraph 51 of this CAFO within 30 days of entry of this CAFO, then Respondent shall pay to EPA the stipulated penalty of FIVE HUNDRED DOLLARS (\$500.00) for each day the default continues, in addition to the assessed penalty upon written demand by EPA.
54. In addition, failure to pay the civil administrative penalty may lead to any or all of the following actions:
  - a. The debt being referred to a credit reporting agency, a collection agency, or to the Department of Justice for filing of a collection action in the appropriate United States District Court. 40 C.F.R. §§ 13.13, 13.14, and 13.33. In any such collection action, the validity, amount, and appropriateness of the assessed penalty and of this CAFO shall not be subject to review.
  - b. The debt being collected by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds. 40 C.F.R. Part 13, Subparts C and H.
  - c. EPA may (i) suspend or revoke Respondent's licenses or other privileges; or (ii) suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds. 40 C.F.R. § 13.17.
  - d. In accordance with the Debt Collection Act of 1982 and 40 C.F.R. Part 13 interest, penalties charges, and administrative costs will be assessed against the outstanding amount that Respondent owes to EPA for Respondent's failure to pay the civil administrative penalty by the deadline specified in Paragraph 51. Interest will be assessed at an annual rate that is equal to the rate of current value of funds

to the United States Treasury (i.e., the Treasury tax and loan account rate) as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins. 40 C.F.R. § 13.11(a)(1). Penalty charges will be assessed monthly at a rate of 6% per annum. 40 C.F.R. § 13.11(c). Administrative costs for handling and collecting Respondent's overdue debt will be based on either actual or average cost incurred, and will include both direct and indirect costs. 40 C.F.R. § 13.11(b). In addition, if this matter is referred to another department or agency (e.g., the Department of Justice, the Internal Revenue Service), that department or agency may assess its own administrative costs, in addition to EPA's administrative costs, for handling and collecting Respondent's overdue debt.

#### G. RESPONDENT'S CERTIFICATION

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

#### H. RETENTION OF RIGHTS

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

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

I. ATTORNEYS' FEES AND COSTS

58. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in this proceeding.

J. EFFECTIVE DATE

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

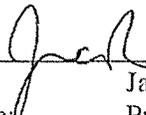
K. BINDING EFFECT

60. The undersigned representative of Complainant and the undersigned representative of Respondent each certifies that he or she is fully authorized to enter into the terms and conditions of this CAFO and to bind the party he or she represents to this CAFO.
61. This CAFO constitutes the entire agreement between the parties resolving this matter arising under TSCA.

62. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns.

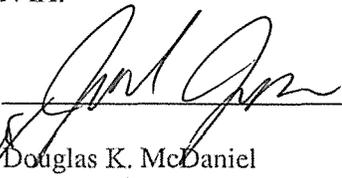
FOR RESPONDENT TRUE VIEW WINDOWS & GLASS BLOCK, INC.:

9-11-18  
DATE

  
By: James E. Regina  
Title: President  
Address: 2222 E. Jones Avenue  
Phoenix, AZ 85040

FOR COMPLAINANT EPA REGION IX:

9/17/18  
DATE

  
Douglas K. McDaniel  
Chief  
Waste and Chemical Section  
Enforcement Division  
United States Environmental  
Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105

II. FINAL ORDER

EPA Region IX and Respondent having entered into the foregoing Consent Agreement,

IT IS HEREBY ORDERED that this CAFO (Docket No. TSCA-09-2018-<sup>0006</sup>\_\_\_\_) be entered, and that Respondent shall pay a civil administrative penalty in the amount of FIFTEEN THOUSAND, AND SIXTY DOLLARS (\$15,060), and otherwise comply with the terms and conditions set forth in the Consent Agreement. This CAFO shall become effective upon filing.

09/19/18  
DATE

  
STEVEN JAWGIEL  
Regional Judicial Officer  
United States Environmental Protection  
Agency, Region IX

CERTIFICATE OF SERVICE

I hereby certify the attached Consent Agreement and Final Order was sent to Respondent and Respondent's attorney by U.S. Certified Mail, Return Receipt Requested this 19 day of September 2018 to:

Jamie E. Regina  
President  
True View Windows & Glass Block, Inc.  
3002 E, Elwood Street  
Phoenix, AZ 85040

Certified Mail # 7015 0640 0001 1122 1755

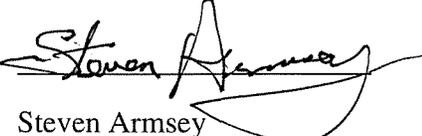
Jerry D. Worsham II, Esq.  
The Cavanaugh Law Firm, P.A.  
1850 North Central Avenue, Suite 2400  
Phoenix, AZ 85004

Certified Mail # 7015 0640 0001 1122 1748

I hereby certify a copy of the Consent Agreement and Final Order was delivered to the following Agency Attorney:

David Kim  
United States Environmental Protection Agency  
75 Hawthorne Street (Mail Code: ORC-2-1)  
San Francisco, CA 94105

Dated: Sept. 19, 2018

By: 

Steven Armsey  
Regional Hearing Clerk  
U.S. EPA, Region IX  
75 Hawthorne Street, 12<sup>th</sup> Floor (ORC)  
San Francisco, CA 94105