



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS OVERNIGHT MAIL

September 22, 2016

Mr. David Scott
Owner-President
Scott Brothers Windows and Doors
278 Fawcett Church Road
Bridgeville, Pennsylvania 15017

Re: Consent Agreement and Final Order
EPA Docket No. TSCA-03-2016-0151
In Re: Scott Brothers Windows and Doors

Dear Mr. Scott:

Enclosed, please find a copy of the fully executed Consent Agreement and Final Order filed on September 22, 2016 in settlement of the above referenced matter.

Should you have any questions or require further information, please feel free to call Ms. Annie Hoyt of my staff at (410) 305-2640 or email her at: hoyt.annie@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "Cray G. Dickens for AQ".

Aquanetta L. Dickens, Chief
Toxics Programs Branch

Enclosures



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**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

IN RE:) DOCKET NO. TSCA-03-2016-0151
)
Scott Brothers Windows and Doors) **EXPEDITED CONSENT AGREEMENT**
278 Fawcett Church Road) **AND FINAL ORDER**
Bridgeville, PA 15017)
)
Respondent.) Proceeding under Sections 16(a) and 409
) of the Toxic Substances Control Act,
) 15 U.S.C. §§ 2615(a) and 2689

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REGIONAL HEADQUARTERS
EPA REGION III
1650 ARCH STREET
PHILADELPHIA, PA 19103

EXPEDITED CONSENT AGREEMENT

1. This Expedited Consent Agreement is entered into by the Director of the Land and Chemicals Division, U. S. Environmental Protection Agency, Region III (“Complainant” or “EPA” or “Agency”) and Scott Brothers Windows and Doors (hereinafter “Respondent”), pursuant to Sections 16(a) and 409 of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. §§ 2615(a) and 2689, the federal regulations set forth at 40 C.F.R. Part 745, Subpart E, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3)).
2. EPA finds that Respondent was subject to the “Renovation, Repair and Painting” (“RRP”) Rule set forth at 40 C.F.R. Part 745, Subpart E, promulgated under Sections 402(c) and 406(b) of TSCA, 15 U.S.C. §§ 2682(c) and 2686(b) during a “renovation” as defined by 40 C.F.R. § 745.83, of “target housing” as defined at Section 401(17) of TSCA, 15 U.S.C. § 2681(17), and 40 C.F.R. § 745.223, at a private residence in Pittsburgh, Pennsylvania (the “Facility”).
3. EPA finds that Respondent failed to comply with the RRP Rule at the Facility by failing to: a) obtain, from the owner, a written acknowledgement that the owner has received the pamphlet or obtain a certificate of mailing at least seven (7) days prior to the renovation as required by 40 C.F.R. § 745.84(a)(1); b) ensure that certified renovators were assigned to the renovation and that the workers were either certified renovators or trained by one as required by 40 C.F.R. § 745.89(d)(2); and c) perform the recordkeeping and reporting requirements as required by 40 C.F.R. § 745.86). In violating the RRP Rule, Respondent violated sections 15 and 409 of TSCA, 15 U.S.C. §§ 2614 and 2689, and 40 C.F.R. § 745.87(a).
4. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in this

Expedited Consent Agreement and the attached Final Order, (hereinafter “this Agreement”).

5. Except as provided in Paragraph 4 of this Agreement, for purposes of this proceeding, Respondent neither admits nor denies the factual allegations and legal conclusions set forth in this Expedited Consent Agreement.
6. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement of this Agreement.
7. For purposes of this proceeding only, Respondent hereby expressly waives any right to contest any issue of law or fact set forth in this Agreement and any right to appeal the attached Final Order.
8. Respondent consents to the issuance of this Agreement and agrees to comply with its terms and conditions.
9. Each Party to this Agreement shall bear its own costs and attorney’s fees.
10. Section 16(a) of TSCA, 15 U.S.C. § 2615(a), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and 40 C.F.R. Part 19, authorizes assessment of a civil penalty of up to \$37,500 per day, per violation, for violations occurring on or after January 13, 2009.
11. The following were considered for purposes of determining the appropriate civil penalty for the violations in this case: statutory factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B); EPA’s *Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule: Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule*, revised April 2013; and *Lead-Based Paint (LBP) Expedited Settlement Policy (ESP)*, dated August 19, 2015. The parties enter into this Agreement in order to settle the civil violations alleged above. Pursuant to TSCA and the Consolidated Rules of Practice, based on the nature of the violations, and other relevant factors, EPA has determined an appropriate civil penalty to settle this action is **\$3,000**.
12. Respondent agrees that within 30 days of the effective date of this Agreement (the date it is filed with the Regional Hearing Clerk), Respondent shall submit a check with the case name, address and docket number of this Agreement (TSCA-03-2016-0151), for the amount specified above, payable to “**United States Treasury**,” U.S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000. Copies of the check shall be sent simultaneously to Annie Hoyt, U.S. Environmental Protection Agency, Region III (Mail Code ESC), 701 Mapes Road, Fort Meade, MD 20755-5350, and Ms. Lydia Guy, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region III (Mail Code 3RC00), 1650 Arch Street, Philadelphia, PA 19103-2029.
13. Respondent certifies, subject to civil and criminal penalties for making a false statement to the U.S. Government, that it has corrected all violations and is in full compliance with the RRP Rule including, obtaining renovator and/or firm certification and training.

14. This Agreement settles EPA’s civil penalty claims against Respondent for the violations specified above. EPA does not waive its right to take enforcement action against Respondent for any other past, present, or future violations of the RRP Rule, TSCA or any other federal statute or regulation.

15. Nothing in this Agreement is intended to, nor shall be construed to operate in any way to resolve, any criminal liability of Respondent, and nothing in this Agreement shall be construed to limit EPA’s authority to undertake any action against Respondent in response to conditions that may present an imminent and substantial endangerment.

16. If Respondent does not sign and return this Agreement **within 20 days** of the date of its receipt, this proposed Agreement is withdrawn without prejudice to EPA’s ability to file any other enforcement action for the violations identified herein.

17. This Agreement is binding on the parties signing below. Upon signature of the parties and approval by the Regional Judicial Officer, this Agreement shall be filed with the Regional Hearing Clerk. In accordance with 40 C.F.R. 22.31(b), this Agreement is effective upon filing with the Regional Hearing Clerk.

18. The undersigned representative certifies that he is fully authorized to execute this Agreement and to legally bind Scott Brothers Windows and Doors to this Agreement.

APPROVED BY:

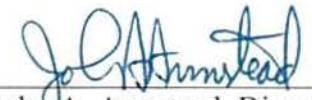
Name (print): Dave Scott

Title (Print): owner - President

Signature:  Date: 8-10-16

Accordingly, the Land and Chemicals Division, United States Environmental Protection Agency, Region III, recommends that the Regional Administrator, or his designee, issue the Final Order set forth below.

8.22.16
Date


John A. Armstead, Director
Land and Chemicals Division

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

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EPA REGION III
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) of the Toxic Substances Control Act,
) 15 U.S.C. §§ 2615(a) and 2689

FINAL ORDER

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and the above-captioned Respondent have executed a document entitled "Expedited Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

WHEREFORE, pursuant to the authority of Section 16 of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615, for violations of the RRP Rule, and having determined, based on the representations of the parties to the attached Expedited Consent Agreement, that the agreed-upon three thousand dollar (\$3,000) civil penalty was based upon consideration of the factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B) and EPA's Consolidated Enforcement Response and Penalty Policy for the Pre-

Renovation Education Rule: Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule, revised April 2013, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of three thousand dollars (\$3,000) in accordance with the payment provisions set forth in the attached Expedited Consent Agreement.

The effective date of the foregoing Expedited Consent Agreement and this **FINAL ORDER** is the date on which this **FINAL ORDER** is filed with the EPA Regional Hearing Clerk.

Sept. 22, 2016
Date



Joseph J. Lisa
Regional Judicial Officer
U.S. EPA - Region III