

U. S. ENVIRONMENTAL PROTECTION AGENCY

REGION 7

2019 APR 30 AM 10: 01

11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

BEFORE THE ADMINISTRATOR

In the Matter of:

TrueSon Exteriors, LLC

Respondent

) JOINT MOTION TO AMEND
) CONSENT AGREEMENT
) AND FINAL ORDER
)
) Docket No. TSCA-07-2019-0010
)

Complainant, the U.S. Environmental Protection Agency, Region 7, and Respondent, TrueSon Exteriors, LLC, through its attorney, Timothy R. Gerding, Evens & Dixon, LLC, hereby jointly request a correction to the Consent Agreement and Final Order (CA/FO) in the above captioned matter based upon the following:

1. The Complainant and Respondent entered into a CA/FO in the above-referenced matter pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

2. The fully executed CA/FO in the above referenced matter was filed with the Regional Hearing Clerk on April 16, 2019.

3. Under the CA/FO, Respondent agreed to pay a civil penalty of \$22,500, plus interest, over a period of one year for a total payment of \$22,640.80 to resolve the violations alleged by the Respondent, and agreed to pay such penalty with interest in four quarterly payments, the first payment due within thirty days of the effective date of the CA/FO, and each of the three subsequent payment due at ninety-day intervals thereafter.

4. Paragraph 50 of the CA/FO mistakenly identified the total interest due for the quarterly payment schedule as \$126.69 rather than \$140.80, and mistakenly identified each quarterly payment amount as \$5,500.20 rather than \$5,660.20.

5. The Parties have agreed that the correct total interest due for quarterly payments of the penalty is \$140.80, and that the correct quarterly payment amount is \$5,660.20, and that Paragraph 50 of the CA/FO should read as follows:

50. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of \$22,500, plus interest of \$140.80 over a period of one year for a total payment of \$22,640.80. The first payment of \$5,660.20 must be received at the address below within thirty (30) days of the effective date of the Final Order. Each subsequent payment of \$5,660.20 shall be paid ninety (90) days after the previous payment.

6. The Parties have further agreed that, except as specifically stated in Paragraph 5, above, all other provisions of the CA/FO should remain unchanged.

Therefore, the Parties respectfully request that Paragraph 50 of the CA/FO be amended, as described above, to clarify that the correct amount for each of the four penalty payments by Respondent is \$5,660.20, and that the total accrued interest due for the one-year payment period is \$140.80.

RESPECTFULLY SUBMITTED,

On behalf of the U.S Environmental Protection Agency, Region 7
This 23rd day of April, 2019



Patricia Gillispie Miller
Senior Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219
(913) 551-7283
miller.patriciag@epa.gov

On behalf of TrueSon Exteriors, LLC
This 23rd day of April, 2019



Timothy R. Gerding
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CERTIFICATE OF SERVICE

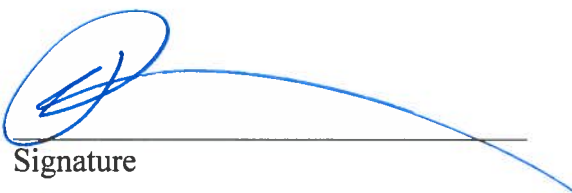
I certify that that on the date indicated below, I hand delivered the original and one true copy of this Joint Motion to Amend Consent Agreement and Final Order to the Regional Hearing Clerk, U.S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219.

I further certify that on the date noted below that I sent by email a true and correct copy of the signed original to the following representative of Respondent:

Copy via Email to Attorney for Respondent:

Timothy R. Gerding, Evens & Dixon, LLC
tgerding@evans-dixon.com

4/30/2019
Date


Signature

Patricia Gillette Miller
Printed Name