



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR - 4 2019

REPLY TO THE ATTENTION OF

LC-17J

CERTIFIED MAIL 7014 2870 0001 9577 7135
RETURN RECEIPT REQUESTED

Mr. Paul Hernandez
National Vice President of Operations
Champion Window Manufacturing and Supply Company, LLC
Champion Window Company of Minneapolis, LLC
12121 Champion Way
Cincinnati, Ohio 45241

Expedited Settlement Agreement and Final Order – In the Matter of:
Champion Window Company of Minneapolis, LLC, Docket No. TSCA-05-2019-0007

Dear Mr. Hernandez:

Enclosed please find a copy of a fully executed Expedited Settlement Agreement and Final Order (ESA) in resolution of the above case. This document was filed on April 4, 2019, with the Regional Hearing Clerk.

The civil penalty in the amount of \$1,000 is to be paid in the manner described in paragraphs 7 and 8. Please be certain that the docket number is written on both the transmittal letter and on the check. Payment is due within 30 calendar days of the filing date.

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in cursive script that reads "Christina Saldivar".

Christina Saldivar
Pesticides and Toxics Compliance Section

Enclosure

cc: Tamara Carnovsky, (C-14J)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5



IN THE MATTER OF:)
)
Champion Window Company of)
Minneapolis, LLC)
)
New Hope, Minnesota)
Respondent.)

Docket No.
TSCA-05-2019-0007

EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

1. The United States Environmental Protection Agency (EPA) alleges that Champion Window Company of Minneapolis, LLC (Respondent) failed to comply with regulations promulgated under Section 407 of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2687, in violation of Section 409 of TSCA, 15 U.S.C. § 2689.
2. Under 40 C.F.R. § 745.86(a), firms performing renovations must retain and, if requested, 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. Respondent must retain records in 40 C.F.R. § 745.86(b)(1) - (6).
3. From February 12, 2017 to May 23, 2018, Respondent performed, offered, or claimed to perform renovations of target housing or child occupied facilities and failed to retain a complete set of records in violation of 40 C.F.R. § 745.86(b)(1)(ii) and 40 C.F.R. § 745.86(b)(6) and Section 409 of TSCA, 15 U.S.C. § 2689.
4. EPA and Respondent agree that settlement of this matter for a civil penalty of \$1,000 is in the public interest.
5. EPA is authorized to enter into this Expedited Settlement Agreement and Final Order (Agreement), and this proceeding for the assessment of a civil penalty is simultaneously commenced and concluded, pursuant to Section 16 of TSCA and 40 C.F.R. § 22.13(b).
6. In signing this Agreement, Respondent: (1) admits that Respondent is subject to 40 C.F.R. § 745.86(a), and 40 C.F.R. § 745.86(b)(1) - (6); (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; and, (5) waives any right to contest the allegations contained herein, and its right to appeal the proposed Final Order attached hereto.
7. Within 30 days after the effective date of this Agreement, Respondent shall pay a civil penalty of \$1,000 for the TSCA violation identified in this Agreement by sending a cashier's or certified check, payable to "Treasurer, United States of America" to:

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

The check must state the case title ("In the Matter of: Champion Window Company of Minneapolis, LLC"), and the docket number of this Agreement.

8. Respondent must send a notice of payment when it pays the penalty that states Respondent's name, complete address, and the case docket number (along with a photocopy of the check) to the following addresses:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Christina Saldivar (LC-17J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Tamara Carnovsky (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

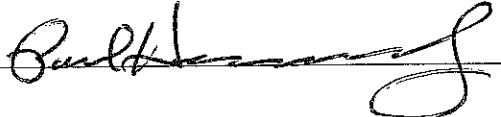
9. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Agreement shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.
10. If Respondent does not pay timely the civil penalty, EPA may refer this matter to the United States Department of Justice for collection of the amount due, plus stipulated penalties and interest at the statutory judgement rate provided in 28 U.S.C. § 1961.
11. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this Agreement. Interest will accrue on any amount overdue at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.
12. Upon the effective date of this Agreement and subsequent payment of the civil penalty as set forth in paragraph 7 Respondent shall be resolved of liability for federal civil penalties for the violations and facts only alleged in the Agreement.
13. This Agreement does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

14. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of TSCA, any other federal statute or regulation, or this Agreement.
15. The Agreement authorized by EPA's execution of the Final Order attached hereto constitutes a final order under 40 C.F.R. Part 22.
16. This Agreement does not affect Respondent's responsibility to comply with TSCA, 15 U.S.C. § 2601 *et seq.*, and other applicable federal, state, and local laws.
17. Respondent certifies that it is complying with Section 402 of TSCA, 15 U.S.C. § 2682, and its implementing regulations at 40 C.F.R. Part 745.
18. The terms of this Agreement bind Respondent, and its successors and assigns.
19. Each person signing this Agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.
20. Upon signing and returning this Agreement to EPA, Respondent waives any and all remedies, claims for relief and other available rights to judicial or administrative review Respondent may have with respect to any issue of fact or law set forth in this Expedited Settlement Agreement, including the opportunity for a hearing or appeal pursuant to TSCA and 40 C.F.R. Part 22 and any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701 -706.
21. Each party shall bear its own costs and fees, if any.
22. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b) is effective upon filing.

IT IS SO AGREED.

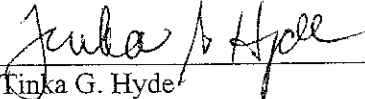
NAME (print): Paul Hernandez

TITLE (print): National VP of Operations

SIGNATURE: 

DATE: 3/8/19

APPROVED BY EPA:



Tinka G. Hyde
Director
Land and Chemicals Division
United States Environmental Protection Agency
Region 5

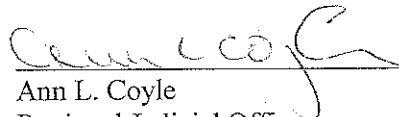
DATE: 3/26/19

FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED.

April 13, 2019
Date



Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5

Expedited Settlement Agreement and Final Order
In the Matter of: Champion Window Company of Minneapolis, LLC
Docket Number:

TSCA-05-2019-0007

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement and Final Order**, which was filed on April 4, 2019, in the following manner to the following addresses:

Copy by Certified Mail

Return Receipt Requested to:

Mr. Paul Hernandez
Champion Window Manufacturing and Supply Company, LLC
12121 Champion Way
Cincinnati, Ohio 45241

Copy by E-Mail to

Attorney for Complainant:

Tamara Carnovsky
carnovsky.tamara@epa.gov

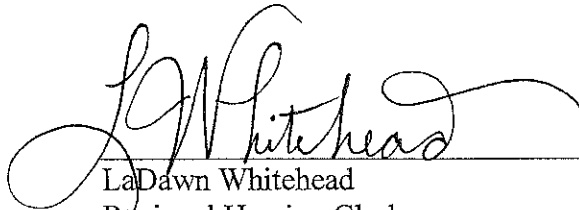
Copy by E-Mail to

Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated:

April 4, 2019



LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5

CERTIFIED MAIL RECEIPT NUMBER(S):

7014 2870 0001 9577 7135