

From: [r5hearingclerk](#)
To: [Roger Janakus](#)
Cc: [Wells, Nora \(she/her/hers\)](#); [Coyle, Ann](#); [Cheryl Janakus](#)
Subject: RE: Docket No. TSCA-05-2023-0004
Date: Friday, June 30, 2023 10:59:00 AM
Attachments: [23-6-29 Response filing.pdf](#)

Dear Mr. Janakus,

I received the attached document regarding the Ro Cher Enterprises, Inc., a/k/a Door and Window Warehouse Outlet, Inc., Door and Window Warehouse, Co. and Door and Window Superstore, Administrative Complaint and Notice of Opportunity for Hearing (Docket No. TSCA-05-2023-0004) by email on June 29, 2023. I am contacting you to seek clarification. Please reply to this email and indicate if you want the attached document to be considered your Answer to the Complaint. Please see 40 C.F.R. § 22.15 below, which describes the process for filing an answer.

40 C.F.R. § 22.15 Answer to the complaint.

(a) *General.* Where respondent: Contests any material fact upon which the complaint is based; contends that the proposed penalty, compliance or corrective action order, or Permit Action, as the case may be, is inappropriate; or contends that it is entitled to judgment as a matter of law, it shall file an original and one copy of a written answer to the complaint with the Regional Hearing Clerk and shall serve copies of the answer on all other parties. Any such answer to the complaint must be filed with the Regional Hearing Clerk within 30 days after service of the complaint.

(b) *Contents of the answer.* The answer shall clearly and directly admit, deny or explain each of the factual allegations contained in the complaint with regard to which respondent has any knowledge. Where respondent has no knowledge of a particular factual allegation and so states, the allegation is deemed denied. The answer shall also state: The circumstances or arguments which are alleged to constitute the grounds of any defense; the facts which respondent disputes; the basis for opposing any proposed relief; and whether a hearing is requested.

(c) *Request for a hearing.* A hearing upon the issues raised by the complaint and answer may be held if requested by respondent in its answer. If the respondent does not request a hearing, the Presiding Officer may hold a hearing if issues appropriate for adjudication are raised in the answer.

(d) *Failure to admit, deny, or explain.* Failure of respondent to admit, deny, or explain any material factual allegation contained in the complaint constitutes an admission of the allegation.

(e) *Amendment of the answer.* The respondent may amend the answer to the complaint upon motion granted by the Presiding Officer.

Thank you,

Juliane Grange

Regional Hearing Clerk
United States Environmental Protection Agency, Region 5
Planning and Administrative Staff
Enforcement and Compliance Assurance Division
Phone 312-886-9868
Email grange.juliane@epa.gov

From: Roger Janakus <roger@windowstore.net>
Sent: Thursday, June 29, 2023 3:00 PM
To: r5hearingclerk <r5hearingclerk@epa.gov>
Cc: Wells, Nora (she/her/hers) <Wells.Nora@epa.gov>; Futermen.Andrew@EPA.gov; Cheryl Janakus <cheryl@windowstore.net>

Subject: Docket No. TSCA-05-2023-0004

If you feel this explanation is not adequate, please advise.

June 29, 2023

To: Regional Hearing Clerk
U.S. EPA, Region 5
R5hearingclerk@epa.gov

Docket No. TSCA-05-2023-0004

Because I can no longer afford attorney's fees, I, Roger P. Janakus, Owner of the Door & Window Super Store am filing this response to the allegations. The attorney we retained, Keith Goldberg, felt that this was not within his expertise and because we've already spent a lot with him, we can't afford an attorney specializing in EPA matters.

Count 1 – Failure to Obtain EPA Firm Certification

This is our factual explanation of the allegations in this complaint.

When this program came into effect, we, Door & Window Super Store, obtained Certification because we thought we needed it. However, when it came up for renewal (during COVID shutdown) we were told that because our business model (one that does not have employees who do the "installation") we did not need to renew our certification. We contract with an installation company, Randy's Remodeling, Inc., who has the EPA certification. Therefore, we did not renew our certification at that time, and if it had not been for COVID we, Door & Window Super Store, would have renewed our certification as a matter of course. As matter of fact, we never even received notice of the certificate expiring. *And, believing that most licenses were automatically extended because of COVID we thought we were in a holding pattern. After receiving this complaint we did renew our certification.*

Please be advised that Randy's Remodeling, Inc. followed all of the protocols per the EPA guidelines on every installation in a home that was built prior to 1978 as a concerned Father & Grandfather.

Count 2 to 8 – Failure to Obtain Written Acknowledgement from Owners of the Single Family Dwellings

This is our factual explanation of the allegations in this complaint.

We assumed that because we were not the certified installer, those "Brochures" were given to the homeowner by the installer when he went to the job to measure & quote the installation price. Conversely, Randy's Remodeling, Inc. assumed we were giving the Brochure to the homeowner. *However, we, Door & Window Super Store and Randy's Remodeling, Inc. verbally discussed the possibility of lead paint being present if their home was built prior to 1978.*

cc: Wells.Nora@EPA.gov

Futerman.Andrew@EPA.gov
cheryl@windowstore.net

Roger P. Janakus

Roger@WindowStore.net

630-461-8602 cell & text

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www.DoorWindowSuperStore.com

Main Showroom:

1740 Ogden Ave., Downers Grove, IL 60515

630-969-7454

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Warehouse Outlet:

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630-461-8602 Rogers cell

www.DoorWindowOutlet.com