



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**APR 20 2007**

4APT-PTSB

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. L. E. (Eddie) Lanier, P.E.  
Director, Environmental Department  
Westpoint Home, Inc.  
3300 - 23<sup>rd</sup> Drive  
Valley, AL 36854

SUBJ: Westpoint Home, Inc.  
Consent Agreement and Final Order  
Docket Number: TSCA-04-2007-2726(b)

Dear Mr. Lanier:

Enclosed is a copy of the Consent Agreement and Final Order (CAFO), in this matter that has been filed with the Regional Hearing Clerk and served on the parties as required by 40 C.F.R. §22.6.

The total amount of the civil penalty (\$1,934) is to be paid commencing thirty (30) days of the effective date of this CAFO. Please note the penalty payment provisions on page 3 of the CAFO. The cashier's or certified check should be made payable to the Treasurer, United States of America on or before the due date and sent to the following lockbox address:

U.S. EPA  
Cincinnati Accounting Operations  
Mellon lockbox 371099M  
Pittsburgh, PA 15251-7099

Wire transfers may be made to the following address:

Mellon Bank  
SWIFT address = MELNUS3P  
ABA 043000261  
Account 9109125  
22 Morrow Drive  
Pittsburgh, PA 15235

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)

The check should reference the name of the Respondent and the docket number of this case. At the time payment is made, a copy of the check should be sent to the addressees listed on page 4 of the CAFO.

Also enclosed, please find a copy of the "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts you on notice of your potential duty to disclose to the Securities and Exchange Commission (SEC) any environmental enforcement actions taken by the EPA. If you have any questions with regard to the SEC's environmental disclosure requirements, you may refer to the contact phone number at the bottom of the Notice.

If you have any questions, please call Mary Summers of the EPA Region 4 staff at (404) 562-8997.

Sincerely,

A handwritten signature in black ink that reads "Joanne Benante". The signature is written in a cursive style with a large initial "J".

Joanne Benante  
Chief  
Pesticides and Toxic  
Substances Branch

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4

RECEIVED  
EPA REGION IV  
2007 APR 20 AM 7:19  
HEARING CLERK

IN THE MATTER OF: )

*WESTPOINT HOME, INC.,* )

Respondent. )

) Docket Number: *TSCA-04-2007-2726(b)*

**CONSENT AGREEMENT AND FINAL ORDER**

**I. Nature of the Action**

1. This is a civil penalty proceeding pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. §2615(a), and pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), at 40 C.F.R. Part 22. Complainant is the Director of the Air, Pesticides and Toxics Management Division, Region 4, United States Environmental Protection Agency (EPA). Respondent is *Westpoint Home, Inc., 3300 – 23<sup>rd</sup> Drive, Valley, Alabama, hereinafter, (“Respondent”)*.

2. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. §22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. §22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

**II. Preliminary Statements**

3. The Administrator of EPA promulgated rules in 40 C.F.R. Part 761, pursuant to Section 6(e) of TSCA, 15 U.S.C. §2605. Failure to comply with any such rule constitutes a violation of Section 15 of TSCA, 15 U.S.C. §2614. Any person who violates Section 15 of TSCA may be assessed a penalty of up to \$27,500 for each such violation, in accordance with Section 16(a) of TSCA, 15 U.S.C. §2615(a). For a violation occurring after March 15, 2004, a penalty of up to \$32,500 may be assessed pursuant to 40 C.F.R. Part 19. Each day a violation continues may constitute a separate violation.

4. The authority to take action under Section 16(a) of TSCA, 15 U.S.C. §2615(a), is vested in the Administrator of EPA. The Administrator of EPA has delegated this authority under TSCA to EPA Region 4 by EPA Delegation 12-2-A, dated May 11, 1994.

### **III. Factual Allegations**

5. Respondent is a textile mill operating in the State of Alabama and falls within the definition of "person" pursuant to 40 C.F.R. §761.3.

6. On December 8, 2006, an inspection was conducted at Respondent's facility at 201 Boulevard, Valley, Alabama. The following violation was detected during this inspection.

7. Respondent had a Westinghouse Polychlorinated Biphenyl (PCB) Transformer, serial number YDR 75242 located near the S Chiller Room, containing 525 gallons or 2,835 kilograms of PCB Inerteen fluid. This PCB Transformer was weeping or leaking fluid which created a spill along the metal of the lower front plate. Respondent violated 40 C.F.R. §761.60(a) by improperly disposing PCB liquids.

### **IV. Consent Agreement**

8. For the purposes of this CAFO, Respondent admits the jurisdictional allegation set out above but neither admits nor denies the factual allegation set out above.

9. Respondent waives its right to a hearing on the allegation contained herein.

10. Respondent consents to the assessment of and agrees to pay the civil penalty as set forth in this CAFO.

11. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with all relevant requirements of TSCA.

12. Compliance with this CAFO shall resolve the allegations of violations contained herein. This CAFO shall not otherwise affect any liability of Respondent to the United States. Other than as expressed herein, neither EPA nor Complainant waives any right to bring an enforcement action against Respondent for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or pursue criminal enforcement.

13. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of TSCA.

### **V. Final Order**

14. Respondent is assessed a civil penalty of One Thousand, Nine Hundred, Thirty-Four Dollars (\$1,934.00), which is to be paid thirty (30) days of the effective date of this CAFO.

15. Respondent shall pay the penalty by forwarding a cashier's or certified check, payable to "Treasurer, United States of America," to the following address:

U.S. Environmental Protection Agency  
Cincinnati Accounting Operations  
Mellon lockbox 371099M  
Pittsburgh, PA 15251-7099.

**The check shall reference on its face the name and the Docket Number of the CAFO.**

Wire transfer of U.S. dollars must be wired to the following address:

Mellon Bank  
SWIFT address = MELNUS3P  
ABA 043000261  
Account 9109125  
22 Morrow Drive  
Pittsburgh, PA 15235

16. At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk  
U.S. EPA - Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960;

Mary Summers  
PCB & Chemical Products Management Section  
U.S. EPA - Region 4  
61 Forsyth Street  
Atlanta, Georgia 30303-8960; and

Saundi Wilson  
Office of Environmental Accountability  
U.S. EPA - Region 4  
61 Forsyth Street  
Atlanta, Georgia 30303-8960.

17. For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment made pursuant to this CAFO. Any attempt by Respondent to deduct any such payments shall constitute a violation of this CAFO.

18. Pursuant to 31 U.S.C. §3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalty from the date of entry of this CAFO, if the penalty is not paid by the date required. A charge will also be assessed to cover the administrative costs, both direct and indirect, of overdue debts. In addition, a late payment penalty charge shall be applied on any principle amount not paid within 90 days of the due date.

19. Complainant and Respondent shall bear their own costs and attorney fees in this matter.

20. This CAFO shall be binding upon the Respondent, its successors and assigns.

21. The following individual represents EPA in this matter and is authorized to receive service for EPA in this proceeding:

Mary Summers  
PCB & Chemical Products Management Section  
U.S. EPA - Region 4  
61 Forsyth Street S.W.  
Atlanta, Georgia 30303  
(404) 562-8997

22. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and legally bind that party to it.

Remainder of page intentionally left blank.

**VI. Effective Date**

23. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

**AGREED AND CONSENTED TO:**

**RESPONDENT:** Westpoint Home, Inc.

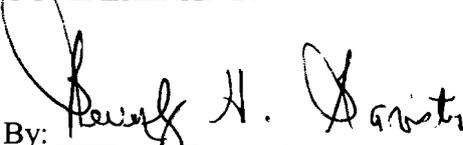
**DOCKET NUMBER:** TSCA-04-2007-2726

By:  Date: 3/16/07

Name: JOHN HURSTON (Typed or Printed)

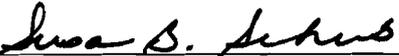
Title: SR. V.P. OF MANUFACTURING (Typed or Printed)

**COMPLAINANT:** U.S. Environmental Protection Agency

By:  Date: 3/30/07

Beverly H. Banister  
Director  
Air, Pesticides & Toxics  
Management Division  
Region 4

**APPROVED AND SO ORDERED** this 18<sup>th</sup> day of April, 2007.

By:   
Susan B. Schub  
Regional Judicial Officer

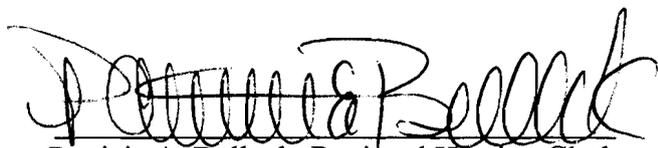
**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true and correct copy of the foregoing Consent Agreement and Final Order, at Westpoint Home, Inc., Docket No. TSCA-04-2007-2726(b) on the parties listed below in the manner indicated:

Mary Summers (Via EPA's Internal Mail)  
US EPA, Region 4  
Air Division

Alan Dion (Via EPA's Internal Mail)  
US EPA, Region 4  
Office of Environmental Accountability

L. E. (Eddie) Lanier, P.E. (Via Federal Express Mail)  
Director, Environmental Department  
Westpoint Home, Inc.  
3300 – 23<sup>rd</sup> Drive  
Valley, AL 36854

Date: 4-20-07

Patricia A. Bullock, Regional Hearing Clerk  
United States Environmental Protection Agency  
Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, GA 30303  
(404) 562-9511

**EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM**

**TO BE COMPLETED BY THE ORIGINATING OFFICE:**

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Saund Wilson on 4/16/17  
(Name) (Date)

in the OFA OATGL at (404) 562-9504  
(Office) (Telephone Number)

- |  |  |
|--|--|
| <input type="checkbox"/> Non-SF Judicial Order/Consent Decree<br>USAO COLLECTS | <input checked="" type="checkbox"/> Administrative Order/Consent Agreement<br>FMO COLLECTS PAYMENT |
| <input type="checkbox"/> SF Judicial Order/Consent Decree<br>DOJ COLLECTS      | <input type="checkbox"/> Oversight Billing - Cost Package required:<br>Sent with bill              |
| <input type="checkbox"/> Other Receivable                                      | <input type="checkbox"/> Not sent with bill  |
| <input type="checkbox"/> This is an original debt                              | <input type="checkbox"/> Oversight Billing - Cost Package not required                             |
|  | <input type="checkbox"/> This is a modification  |

PAYEE: Westpointe Home Inc  
(Name of person and/or Company/Municipality making the payment)

The Total Dollar Amount of the Receivable: \$ 1934  
(If installments, attach schedule of amounts and respective due dates. See Other side of this form.)

The Case Docket Number: TSCA 012007 2726 (6)

The Site Specific Superfund Account Number: \_\_\_\_\_

The Designated Regional/Headquarters Program Office: \_\_\_\_\_

**TO BE COMPLETED BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

The IFMS Accounts Receivable Control Number is: \_\_\_\_\_ Date \_\_\_\_\_

If you have any questions, please call: \_\_\_\_\_ of the Financial Management Section at: \_\_\_\_\_

**DISTRIBUTION:**

- A. **JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the **FINAL JUDICIAL ORDER** should be mailed to:
- |  |                              |
|--|------------------------------|
| 1. Debt Tracking Officer<br>Environmental Enforcement Section<br>Department of Justice RM 1647<br>P.O. Box 7611, Benjamin Franklin Station<br>Washington, D.C. 20044 | 2. Originating Office (EAD)  |
|  | 3. Designated Program Office |
- B. **ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the Administrative Order should be to:
- |                           |                              |
|---------------------------|------------------------------|
| 1. Originating Office     | 3. Designated Program Office |
| 2. Regional Hearing Clerk | 4. Regional Counsel (EAD)    |