

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:

JB&D Siding and Window Company, Inc.
Galesburg, Illinois,

Respondent.

Docket No. TSCA-05-2026-0007

Proceeding to Assess a Civil
Penalty Under Section 16(a) of the
Toxic Substances Control Act,
15 U.S.C. § 2615(a)Consent Agreement and Final OrderPreliminary Statement

1. This is an administrative action commenced and concluded under Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.

2. The Complainant is the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is JB&D Siding and Window Company, Inc., a corporation with a place of business located at 425 Home Boulevard, Galesburg, Illinois (JB&D or Respondent).

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the terms of this CAFO, including the assessment of the civil penalty specified below.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided in 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO. Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

Statutory and Regulatory Background

9. Section 1021 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 amended TSCA by adding Subchapter IV – Lead Exposure Reduction, 15 U.S.C. §§ 2681 through 2692.

10. Section 402(a) of TSCA, 15 U.S.C. § 2682, requires the Administrator of EPA to promulgate regulations to ensure that individuals engaged in lead-based paint activities are properly trained; that training programs are accredited; that contractors engaged in such activities are certified; and that such regulations contain standards for performing lead-based paint activities, taking into account reliability, effectiveness, and safety.

11. Section 402(c) of TSCA, 15 U.S.C. § 2682, requires the Administrator of EPA to promulgate guidelines for the conduct of renovation and remodeling activities to reduce the risk of exposure to lead in connection with renovation and remodeling of target housing and public buildings built before 1978, and commercial buildings, and to revise the regulations under Section 402(a) of TSCA to apply those regulations to renovation or remodeling activities in target housing, public buildings constructed before 1978, and commercial buildings that create lead-based paint hazards.

12. Section 406(b) of TSCA, 15 U.S.C. § 2686(b), requires the Administrator of EPA to promulgate regulations to require each person who performs for compensation a renovation of target housing to provide a lead hazard information pamphlet to the owner and occupant of such housing prior to commencing the renovation.

13. Section 407 of TSCA, 15 U.S.C. § 2687, requires the regulations promulgated by the Administrator of EPA under Subchapter IV to include such recordkeeping and reporting requirements as

may be necessary to ensure the effective implementation of the TSCA Lead Exposure Reduction requirements, 15 U.S.C. §§ 2681 through 2692.

14. Under Section 409 of TSCA, 15 U.S.C. § 2689, it shall be unlawful for any person to fail or refuse to comply with any rule or order issued under Subchapter IV – Lead Exposure Reduction, 15 U.S.C. §§ 2681 through 2692. *See also* 40 C.F.R. § 745.87.

15. Under Section 15 of TSCA, 15 U.S.C. § 2614, it shall be unlawful for any person to fail or refuse to establish and maintain records, submit reports, notices, or other information, or permit access to or copying of records, as required by TSCA or a rule thereunder. *See also* 40 C.F.R. § 745.87.

16. Pursuant to Sections 402, 406, and 407 of TSCA, 15 U.S.C. §§ 2682, 2686, and 2687, EPA promulgated the residential property renovation regulations at 40 C.F.R. Part 745, Subpart E, prescribing procedures and requirements for: the accreditation of renovator training programs; certification of individuals and firms engaged in lead-based paint activities; work practice standards for renovation, repair and painting activities in target housing and child-occupied facilities; and recordkeeping to demonstrate compliance with work practice standards. This set of regulations is also known as the Lead, Renovation, Repair and Painting Rule (RRP). 73 Fed. Reg. 21691 (April 22, 2008).

17. 40 C.F.R. Part 745, Subpart E, Residential Property Renovation, applies to all renovations performed for compensation in target housing and child-occupied facilities, with exceptions not relevant here. 40 C.F.R. §§ 745.80, 745.82.

18. 40 C.F.R. § 745.83 defines *firm* to mean a company, partnership, corporation, sole proprietorship, or individual doing business, association, or other business entity; a Federal, State, Tribal, or local government agency; or a nonprofit organization.

19. 40 C.F.R. § 745.83 defines *renovation* to mean the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by this part (40 C.F.R. § 745.223). The term renovation includes (but is not limited to): the removal, modification or repair of painted surfaces or painted components; the

removal of building components; weatherization projects; and interim controls that disturb painted surfaces.

20. 40 C.F.R. § 745.83 defines *renovator* to mean an individual who either performs or directs workers who perform renovations. A certified renovator is a renovator who has successfully completed a renovator course accredited by EPA or an EPA authorized State or Tribal Program.

21. 40 C.F.R. § 745.103 defines *target housing* to mean any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than six (6) years of age resides or is expected to reside in such housing) or any zero-bedroom dwelling.

22. Under 15 U.S.C. § 2689 and 40 C.F.R. § 745.87(a), failing to comply with any requirement of 40 C.F.R. Part 745, Subpart E, violates Section 409 of TSCA, 15 U.S.C. § 2689, which may subject the violator to administrative penalties under Section 16(a) of TSCA, 15 U.S.C. § 2615(a) and 40 C.F.R. § 745.87(d).

23. Section 16(a) of TSCA, 15 U.S.C. § 2615(a), 40 C.F.R. § 745.87(d), and 40 C.F.R. Part 19, authorize the Administrator of EPA to assess a civil penalty of up to \$46,989 per violation for each day of violation of Sections 15 and 409 of TSCA that occurred after November 2, 2015, where penalties are assessed on or after January 6, 2023.

Factual Allegations and Alleged Violations

24. At all times relevant to this CAFO, Respondent was a corporation with a place of business located at 425 Home Boulevard, Galesburg, Illinois, and was therefore a *firm* as defined by 40 C.F.R. § 745.83.

25. On April 19, 2023 and April 20, 2023, EPA conducted an RRP Rule recordkeeping inspection at the showroom for JB&D's parent company Prairie Home Alliance, located at 203 Eastgate Drive Washington, Illinois 61571 (Inspection). During the Inspection, EPA requested all records for the renovations that Respondent had performed during the three years prior to the date of the Inspection.

26. Based on information gathered during the Inspection and information provided by Respondent after the Inspection, Respondent performed or directed workers to perform window replacements at the address below (965 Florence Avenue):

Residential Property Address	Residence Type	Built Year	Contract Date
965 Florence Avenue Galesburg, IL 61401	Single-Family	1940	9/23/2022

27. Respondent performed or directed to perform modifications of the existing structures at 965 Florence Avenue that resulted in disturbance of painted surfaces, and was therefore a *renovation* as defined in 40 C.F.R. § 745.83.

28. The renovation at 965 Florence Avenue was performed at residential housing built prior to 1978, and therefore the residential housing was *target housing* as defined in 40 C.F.R. § 745.103.

29. Respondent either performed or directed workers to perform the renovation at 965 Florence Avenue, and is therefore a *renovator* as defined at 40 C.F.R. § 745.83.

30. On May 1, 2024, EPA issued to Respondent a Notice of Intent to File an Administrative Complaint for alleged violations of the TSCA RRP, including those listed below.

COUNTS ONE TO THREE – Failure to Retain All Records Necessary to Demonstrate Compliance with 40 C.F.R. Part 745, Subpart E

31. Complainant incorporates Paragraphs 1 through 30 of this CAFO as if set forth in this Paragraph.

32. 40 C.F.R. § 745.85(a) requires that renovations must be performed by certified firms, in accordance with 40 C.F.R. § 745.89, using certified renovators in accordance with 40 C.F.R. § 745.90. 40 C.F.R. § 745.86(a) requires firms performing renovations to 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 three years following completion of the renovation.

33. 40 C.F.R. § 745.86(b)(6) requires a firm performing renovations to retain records that document compliance with the work practice standards in 40 C.F.R. § 745.85, including documentation that:

- a. the certified renovator provided on-the-job training for workers used on the project;
- b. the certified renovator performed or directed workers who performed all of the tasks described in § 745.85(a); and
- c. the certified renovator performed the post-renovation cleaning verification described in § 745.85(b).

34. 40 C.F.R. § 745.87(b) requires firms performing renovations to establish and maintain records and make them available or permit access to or copying of records.

35. At the 965 Florence Avenue renovation, Respondent failed to establish and maintain all records necessary to demonstrate compliance with 40 C.F.R. Part 745, Subpart E for a period of three years following completion of each renovation.

36. At the 965 Florence Avenue renovation, Respondent failed to adequately establish and maintain the following records:

- a. Documentation that the certified renovator provided on-the-job training for workers used on the project,
- b. Documentation that the certified renovator performed or directed workers who performed all of the tasks described in 40 C.F.R. § 745.85(a); and
- c. Documentation that the certified renovator performed the post-renovation cleaning verification described in 40 C.F.R. § 745.85(b).

37. Respondent's failure to establish and maintain all records necessary to demonstrate compliance with 40 C.F.R. Part 745, Subpart E for a period of three years following the completion of the renovation at 965 Florence Avenue constitutes three violations of 40 C.F.R. § 745.86(b)(6), 40 C.F.R. § 745.87(b), and 15 U.S.C. § 2689.

COUNT FOUR – Failure to Timely Provide the Owner of the Unit with the EPA-Approved Lead Hazard Information Pamphlet

38. Complainant incorporates Paragraphs 1 through 30 of this CAFO as if set forth in this Paragraph.

39. 40 C.F.R. § 745.84(a)(1) requires firms performing renovations, no more than 60 days before beginning renovation activities, to provide the owner of the unit with the Lead Hazard Information Pamphlet (Pamphlet) and either obtain, from the owner, a written acknowledgment that the owner has received the Pamphlet or obtain a certificate of mailing at least seven days prior to the renovation.

40. At the 765 Florence Avenue renovation, Respondent provided the owner of the unit with the Pamphlet 96 days prior to the renovation, 36 days beyond the timeline provided in the RRP rule.

41. Respondent's failure to provide the Pamphlet no more than 60 days prior to beginning renovation at 765 Florence Avenue constituted one violation of 40 C.F.R. 745.84(a)(1) at 15 U.S.C. § 2689.

COUNT FIVE – Failure to Assign a Certified Renovator to Each Renovation Project

42. Complainant incorporates Paragraphs 1 through 30 of this CAFO as if set forth in this Paragraph.

43. 40 C.F.R. § 745.89(d)(2) requires the firm performing the renovation to ensure that a certified renovator is assigned to each renovation performed by the firm and discharges all of the certified renovator responsibilities identified in 40 C.F.R. § 745.90.

44. Based on information available to EPA at the time of the Inspection, Respondent performed or directed to perform the renovation at 765 Florence Avenue without having a certified renovator assigned.

45. Respondent's failure to ensure that a certified renovator was assigned to the renovation at 765 Florence Avenue and discharged all of the certified renovator responsibilities identified in 40 C.F.R. § 745.90 constitutes one violation of 40 C.F.R. § 745.89(d)(2), 40 C.F.R. § 745.87(a), and 15 U.S.C. § 2689.

Civil Penalty

46. Pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), Complainant determined that an appropriate civil penalty to settle this action is \$9,176. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations alleged and, with respect to

Respondent, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other factors as justice may require. Complainant also considered EPA's *Interim Final 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 5, 2013.

47. Respondent agrees to pay a civil penalty in the amount of \$9,176 ("Assessed Penalty") within 30 days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk ("Filing Date").

48. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website:

<https://www.epa.gov/financial/makepayment>. For additional instructions, see:

<https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

49. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Agreement, TSCA-05-2026-0007,
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

Juliane Grange
Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
r5hearingclerk@epa.gov

Michael Todd (ECP-17J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
todd.michael@epa.gov

James Bonar-Bridges (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
bonarbridges.james@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, a confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

50. Interest, Charges, and Penalties on Late Payments. Pursuant to 15 U.S.C. § 2615, 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty per this Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and EPA is authorized to recover the following amounts.

- a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States the rate of interest is set at the IRS standard underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.
- b. Handling Charges. Respondent will be assessed monthly a charge to cover EPA’s costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Agreement, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Filing Date. Additional handling charges will be assessed each subsequent thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty, as well as any accrued interest, penalties, and other charges are paid in full.
- c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, and other charges, that remain delinquent more than ninety (90) days.

51. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Agreement, EPA may take additional actions. Such actions may include, but are not limited to, the following.

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government),

which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H.

- c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, 40 C.F.R. § 13.17.
- d. Per 15 U.S.C. § 2615(a), the Attorney General will bring a civil action in the appropriate district court to recover the full remaining balance of the debt plus interest. In such an action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

52. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

53. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

General Provisions

54. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: bonarbridges.james@epa.gov (for Complainant), ruey@prairiehomealliance.com (Russell Ruey, director for Respondent), and uphofflaw@gmail.com (Seth Uphoff, attorney for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

55. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

56. This CAFO 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.

57. This CAFO does not affect Respondent's responsibility to comply with TSCA, the Residential Lead-Based Paint Hazard Reduction Act of 1992, the Residential Lead-Based Paint Disclosure Program, and other applicable federal, state, and local laws.

58. Respondent certifies that it is complying with TSCA and 40 C.F.R. Part 745.

59. This CAFO constitutes a “prior such violation” as that term is used in EPA’s Interim Final Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule to determine Respondent’s “history of prior such violations” under Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B).

60. The terms of this CAFO bind Respondent, and its successors and assigns.

61. 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.

62. Each party agrees to bear its own costs and attorney’s fees in this action.

63. This CAFO constitutes the entire agreement between the parties.


64. The effective date of this CAFO is the date on which it is filed with the Regional Hearing Clerk.

Consent Agreement and Final Order
In the Matter of: JB&D Siding and Window Company, Inc.
Docket No. TSCA-05-2026-0007

JB&D Siding and Window Company, Inc.,
Respondent

14/01/26

Date


Russell Ruey (Jan 14, 2026 15:37:52 CST)

Russell Ruey
Director
JB&D Siding and Window Company, Inc.

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In the Matter of: JB&D Siding and Window Company, Inc.
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United States Environmental Protection Agency, Complainant

Carolyn Persoon
Division Director
Enforcement and Compliance Assurance Division

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Final Order

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

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