

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 10

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EPA -- REGION 10

In the Matter of:)	
)	DOCKET NO. TSCA-10-2018-0235
)	
View Point, Inc.)	EXPEDITED SETTLEMENT
Hailey, Idaho)	AGREEMENT AND
)	FINAL ORDER
)	
)	
Respondent)	

EXPEDITED SETTLEMENT AGREEMENT and FINAL ORDER

1. The U.S. Environmental Protections Agency ("EPA") alleges that View Point, Inc. ("Respondent") failed to comply with Section 402(c) of the U.S. Toxic Substances Control Act, 15 U.S.C. § 2601 et seq. (TSCA).

2. Under Section 402(c) of TSCA, Respondent was required to retain all records necessary to demonstrate compliance with the Renovation, Repair and Painting Rule ("RRP Rule") for a period of three years following completion of the renovation activities pursuant to 40 C.F.R. § 745.86.

3. In 2016 and 2017, Respondent conducted window replacements for compensation at the following properties located in Boise, Idaho which were constructed prior to 1978 and are target housing within the meaning of 15 U.S.C. § 2681(17).

- 3.1. 836 E. Warm Springs Avenue, Boise, Idaho (836 Renovation),
- 3.2. 1300 N. 23rd Street, Boise, Idaho (1300 Renovation),
- 3.3. 1903 N. 16th Street, Boise, Idaho (1903 Renovation),
- 3.4. 3303 W. Targee Street, Boise, Idaho (3303 Renovation), and

3.4 2853 Starlington Drive, Boise, Idaho (2853 Renovation).

4. Respondent had a certified Renovator when it conducted and completed the window replacement on 836 Renovation, 1300 Renovation, 1903 Renovation, 3303 Renovation, and 2853 Renovation. Certified Renovators are responsible for preparing all required documents ensuring overall compliance with the RRP Rule Requirements.

5. Respondent did not ensure all the required documents were prepared and maintained when it conducted and completed the window replacement on 836 Renovation, 1300 Renovation, 1903 Renovation, 3303 Renovation, and 2853 Renovation, in violation of 40 C.F.R. § 745.86.

6. The EPA and Respondent agree that settlement of this matter for a civil penalty of **\$1,000** is in the public interest.

7. Upon signing this Expedited Settlement Agreement, Respondent shall deposit the civil penalty amount listed in paragraph 6, by one of the following methods:

7.1 Send a cashier's or certified check or money order with a notation for **TSCA-10-2018-0235** payable to the order of the "Treasury of the United States of America" to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Docket No. TSCA-10-2018-0235
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

7.2. Send a cashier's or certified check or money order by an overnight/common carrier (e.g., FedEx or United Parcel Service of America, Inc.) with a notation for **TSCA-10-2018-0235** payable to the order of the "Treasury of the United States of America" to the following address:

U.S. Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

7.3 Make an electronic deposit for payment (Vendor Express, Fedwire, Pay.gov) at <http://www2.epa.gov/financial/makepayment> following the online directions for an electronic funds transfer (EFT).

8. Concurrently with paragraph 7, Respondent shall forward the original signed Expedited Settlement Agreement, a copy of the cashier's or certified check or money order or documentation of a wire transfer to the following address, and a certification signed by Respondent that regarding the violation alleged above that Respondent is in compliance with Section 402(c) of TSCA to the following address:

Maria Tartaglia, Lead-Based Paint Compliance Officer
U.S. Environmental Protection Agency
Region 10, Mail Stop OCE-201
1200 Sixth Avenue, Suite 155
Seattle, WA 98101

By written notice to Respondent, the EPA may change the address and/or person listed above.

9. EPA is authorized to enter into this Expedited Settlement Agreement ("Agreement"), and this proceeding for the assessment of a civil penalty is simultaneously commenced and concluded, pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 40 C.F.R. § 22.13(b).

10. In signing this Agreement, for purposes of this proceeding, Respondent: (a) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (b) neither admits nor denies the factual allegations in this Agreement; (c) consents to the

assessment of this penalty; and (d) waives any right to contest the allegations contained in this Agreement, and its right to appeal the Final Order attached below.

11. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent: (a) agrees to provide a deposit for payment of the civil penalty as set forth in paragraph 6; (b) agrees to submit a true and accurate proof of deposit for payment of the civil penalty as set forth in paragraph 7; and (c) agrees to release said deposit for payment to EPA upon entry of the Final Order attached below.

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 violation(s) and facts alleged in this Agreement.

13. The penalty, including interest, paid by Respondent pursuant to the requirements of this Agreement, represents civil penalties assessed by EPA, and shall not be deductible for purposes of federal, state, or local income taxes.

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. Failure of Respondent to remit the civil penalties provided herein will result in this matter being forwarded to the United States Department of Justice for collection of the amount due, plus stipulated penalties and interest at the statutory judgment rate provided in 28 U.S.C. § 1961.

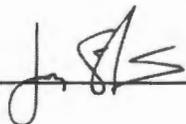
16. Each party shall bear its own costs and fees, if any.

17. The Agreement authorized by EPA's execution of the Final Order attached hereto constitutes a final order under 40 C.F.R. Part 22.

18. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

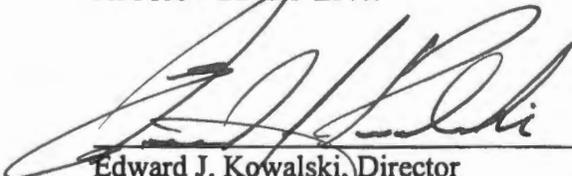
Respondent Name (print): Jay Singleton

Respondent Title (print): Vice President/COO

Respondent Signature: 

Date: 9/13/2018

APPROVED BY EPA:



Edward J. Kowalski, Director
Office of Compliance and Enforcement
EPA Region 10

Date: 9/14/2018

FINAL ORDER

Pursuant to the authority of Section 16 of TSCA, 15 U.S.C. § 2615, and according to the terms of this Expedited Settlement Agreement (“Agreement”), IT IS HEREBY ORDERED THAT:

1. View Point, Inc. (“Respondent”) shall comply with all terms of Agreement;
2. Respondent is assessed a civil penalty of (\$1,000); and
3. Respondent shall, in accordance with the payment provisions set forth in the Agreement, make payment via certified or cashier’s check, money order, or through a wire transfer as described in the Agreement.

This Agreement shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for the EPA, Region 10. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

IT IS SO ORDERED:



RICHARD MEDNICK
Regional Judicial Officer
EPA Region 10

Date September 16, 2018

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: View Point, Inc.**, Docket No.: **TSCA-10-2018-0235** was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

The undersigned certifies that a true and correct copy of the document was delivered to:

Maria Tartaglia, Lead-Based Paint Compliance Officer
U.S. Environmental Protection Agency
Region 10, Mail Stop OCE-201
1200 Sixth Avenue, Suite 155
Seattle, WA 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt to:

Mr. Matthew Barrow
View Point, Inc.
P.O. Box 621
Hailey, Idaho 83333

DATED this 17 day of September 2018



Signature

Teresa Young
Regional Hearing Clerk
EPA Region 10