

FILED

12 SEP 25 AM 08:58

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 Elm Street, Suite 500
Dallas, Texas 75270**

**REGIONAL HEARING CLERK
EPA REGION 6**

In the Matter of	§	
	§	
Window World of Austin	§	Docket No. TSCA-06-2025-6195
	§	
Respondent	§	

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

1. The U.S. Environmental Protection Agency, Region 6 (EPA) alleges that Window World of Austin (Respondent), has violated Section 409 of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2689, by failing to comply with the regulatory requirements of 40 C.F.R. Part 745, Subpart E, Lead-Based Paint Renovation Repair and Painting Rule (RRP Rule).

2. EPA is authorized to enter into this Expedited Settlement Agreement (ESA) for the assessment of civil penalties initiated pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a). This action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

Alleged Violations

3. Pursuant to 40 C.F.R. §§ 745.89(b) and 745.81(a)(2)(ii), “on or after April 22, 2010, no firm may perform, offer, or claim to perform renovations without certifications from EPA under 40 C.F.R. § 745.89 in target housing or child-occupied facilities, unless the renovation

qualifies for one of the exceptions identified in § 745.82(a) or (c).” Respondent failed to maintain EPA certification under 40 C.F.R. § 745.89.

Settlement

4. EPA and Respondent agree that settlement of this matter for a civil penalty of One Thousand Dollars (\$1,000) is in the public interest.

5. Within thirty (30) calendar days of the effective date of this Agreement, Respondent must pay the civil penalty of One Thousand Dollars (\$1,000) using any method provided on the following website: <https://www.epa.gov/financial/makepayment>. Such payment shall identify Respondent by name and include the docket number assigned to this Agreement by the Regional Hearing Clerk.

6. Within 24 hours of payment, email proof of payment (e.g., a copy of the check, 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), including Respondent’s name, EPA Docket Number TSCA-06-2025-6195, and a copy of the payment with a certification that, regarding the violations alleged herein, Respondent is in compliance with the *Lead-Based Paint Disclosure*

Rule to:

U.S. Environmental Protection Agency
Region 6 Hearing Clerk
Vaughn.Lorena@epa.gov

Angela Hays
Toxics Enforcement Section
U.S. Environmental Protection Agency, Region 6
hays.angela@epa.gov

7. In signing this Agreement, Respondent: (a) admits that Respondent is subject to the requirements in Paragraphs 4 through 6, above; (b) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (c) neither admits nor denies the factual allegations contained herein; (d) consents to the assessment of this penalty; and (e) 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 ESA, 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.

8. By signing this Agreement, 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 Agreement.

9. By signing this Agreement, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent: (a) has corrected the alleged violation and is in compliance with the regulations at 40 C.F.R. Part 745; (b) agrees to provide payment of the civil penalty set forth above; (c) agrees to submit a true and accurate proof of payment of said civil penalty as set forth in above; and (d) agrees to release said payment to EPA upon entry of the Final Order attached hereto.

10. Upon the effective date of this Agreement and subsequent payment of the civil penalty, Respondent shall only be resolved of liability for federal civil penalties for the violations and facts alleged herein.

11. 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.

12. This Agreement does not affect the rights of EPA or the United States to pursue appropriate injunctive relief or other equitable relief or criminal sanctions for any violations of law. EPA reserves its rights to take enforcement action for any other violations by Respondent of TSCA, any other federal statute or regulation, or this Agreement.

13. Failure to pay the assessed penalty may result in the referral of this matter 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.

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

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

17. EPA and Respondent agree to the use of electronic signatures for this matter. EPA and Respondent further agree to electronic service of this ESA, pursuant to 40 C.F.R. § 22.6, by email to the following addresses:

To EPA: hays.angela@epa.gov

To Respondent: [Page 4 of 7](mailto:rfolck>windowworld.com</p></div><div data-bbox=)

FINAL ORDER

Pursuant to the authority of Section 16 of Toxic Substances Control Act, 15 U.S.C. § 2615, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/ Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Expedited Settlement Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Expedited Settlement Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

This Final Order shall resolve only those causes of action alleged in the Expedited Settlement Agreement. Nothing in this Final Order shall be construed to waive, extinguish, or otherwise affect Respondents' (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action.

IT IS SO ORDERED.

Date: _____

Thomas Rucki
Regional Judicial Officer
U.S. EPA, Region 6

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Expedited Settlement Agreement was filed with me, the Regional Hearing Clerk, U.S. EPA - Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that I sent a true and correct copy on this day in the following manner to the email addresses:

Copy via Email to Complainant, EPA:

roland.alexandrea@epa.gov
hays.angela@epa.gov

Copy via Email to Respondent:

rfolck@windowworld.com

Rae Folck
Window World of Austin
4150 Freidrich Lane Suite J
Austin, TX 7844

Regional Hearing Clerk
U.S. EPA, Region 6