



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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HEARING CLERK

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**MEMORANDUM**

**SUBJECT:** In the Matter of Clooten Siding & Window, Inc.  
Combined Complaint and Consent Agreement **Docket No. TSCA-08-2016-0003**

**FROM:** David Cobb, Acting Supervisor *D. Cobb*  
Toxics Enforcement Unit, Technical Enforcement Program,  
Office of Enforcement, Compliance and Environmental Justice

Jim Eppers, Supervisory Attorney *J. Eppers*  
Legal Enforcement Program,  
Office of Enforcement, Compliance and Environmental Justice

**TO:** Honorable Thomas Rucki, Regional Judicial Officer

With this memorandum, the Office of Enforcement, Compliance and Environmental Justice is transmitting a Combined Complaint and Consent Agreement (CCCA) in the above-referenced matter. We request that you issue a final order approving it.

The EPA has taken this action under the authority of section 16 of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615. In the CCCA, the EPA alleges that Clooten Siding & Window, Inc. violated the Lead-Based Paint Renovation, Repair, and Painting (RRP) Rule and TSCA during a renovation in Bismarck, North Dakota. The EPA alleges that Clooten Siding & Window, Inc. failed to obtain written acknowledgement of the occupant's receipt of the required lead hazard information, post signs defining the work area, assign a certified renovator, contain waste to prevent releases of dust and debris during transport, collect all paint chips and debris in the work area, and maintain records to demonstrate compliance with the RRP Rule.

Upon consideration of the factors set forth in section 16(a)(2) of TSCA, 15 U.S.C. § 2615(a)(2), the EPA has determined that a civil penalty of two thousand eight hundred dollars (\$2,800) is appropriate to settle this matter. The proposed settlement is consistent with applicable settlement penalty policies, including the Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule (August 2010) and the Pilot RRP Penalty Program for Micro-Businesses.

TSCA does not require public notice of this settlement.

The EPA attorney for this matter is Jessica Portmess, Enforcement Attorney, (303) 312-7026.

