



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

March 9, 2015

BY HAND

Wanda I. Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency-Region 1
5 Post Office Square, Suite 100
Mail Code ORA18-1
Boston, MA 02109-3912



Re: In the Matter of The Whalley Glass Company; Docket No. TSCA-01-2015-0013

Dear Ms. Santiago:

Enclosed are an original and one copy of the Complaint and Certificate of Service for filing with respect to the above-captioned matter.

Kindly file the documents in the usual manner. Thanks very much for your help.

Sincerely,

A handwritten signature in black ink, appearing to read "Christine M. Foot".

Christine M. Foot
Enforcement Counsel

Enclosures

cc: Mark S. Vece, President, The Whalley Glass Company

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

In the Matter of:)
)
The Whalley Glass Company)
214 Whalley Avenue)
New Haven, Connecticut 06511)
)
Respondent.)
)
Proceeding under Section 16(a) of the)
Toxic Substances Control Act,)
42 U.S.C. § 2615(a))
_____)

Docket No.
TSCA-01-2015-0013

RECEIVED

MAR 09 2015

EPA ORC
Office of Regional Hearing Clerk

**COMPLAINT AND
NOTICE OF OPPORTUNITY
FOR HEARING**

COMPLAINT

I. STATEMENT OF AUTHORITY

1. This Administrative Complaint and Notice of Opportunity for Hearing (“Complaint”) is issued pursuant to Section 16(a) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2615(a), 40 C.F.R. § 745.87(d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. Complainant is the Legal Enforcement Manager of the Office of Environmental Stewardship, U.S. Environmental Protection Agency (“EPA”), Region 1.

II. NATURE OF THE ACTION

2. Respondent, The Whalley Glass Company (“Whalley” or “Respondent”), is hereby notified of Complainant’s determination that Respondent has violated Sections 15 and 409 of TSCA, 15 U.S.C. §§ 2614 and 2689, the Residential Lead-Based Paint Hazard Reduction Act of 1992 (“the Act”), 42 U.S.C. §§ 4851 *et seq.*, and the federal regulations

promulgated thereunder, entitled “Residential Property Renovation,” as set forth at 40 C.F.R. Part 745, Subpart E. Complainant seeks civil penalties pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, which provides that violations of Sections 15 and 409 of TSCA, 15 U.S.C. §§ 2614 and 2689, are subject to the assessment by Complainant of civil penalties.

III. STATUTORY AND REGULATORY BACKGROUND

3. In 1992, Congress passed the Act in response to findings that low-level lead poisoning is widespread among American children, that pre-1980 American housing stock contains more than three million tons of lead in the form of lead-based paint, and that the ingestion of lead from deteriorated or abraded lead-based paint is the most common cause of lead poisoning in children. 42 U.S.C. §§ 4851(1)–(4). One of the stated purposes of the Act is to ensure that the existence of lead-based paint hazards is taken into account during the renovation of homes and apartments. *Id.* § 4851a(4). To carry out this purpose, the Act added a new title to TSCA entitled “Title IV—Lead Exposure Reduction,” which currently includes Sections 401–412 of TSCA, 15 U.S.C. §§ 2681–2692. Residential Lead-Based Paint Hazard Reduction Act of 1992, Pub. L. No. 102-550, § 1021, 106 Stat. 3672, 3912 (1992).

4. In 1996, EPA promulgated regulations to implement Section 402(a) of TSCA, 15 U.S.C. § 2682(a). These regulations are set forth at 40 C.F.R. Part 745, Subpart L. In 1998, EPA promulgated regulations to implement Section 406(b) of the Act. These regulations are set forth at 40 C.F.R. Part 745, Subpart E. In 2008, EPA promulgated regulations to implement Section 402(c)(3) of TSCA, 15 U.S.C. § 2682(c)(3) by amending 40 C.F.R. Part 745, Subparts E and L (the “Renovation, Repair and Painting

Rule” or the “RRP Rule”). *See* Lead; Renovation, Repair, and Painting Program, 73 Fed. Reg. 21,692, 21,758–67 (Apr. 22, 2008) (codified at 40 C.F.R. Part 745, Subparts E and L).

5. Pursuant to 40 C.F.R. § 745.82, the regulations in 40 C.F.R. Part 745, Subpart E apply to all renovations performed for compensation in “target housing” and “child-occupied facilities,” with certain limited exceptions.

6. “Renovation” is defined as the modification of any existing structure, or portion thereof, in a way that disturbs painted surfaces, with certain exceptions including for “minor repair and maintenance activities.” 40 C.F.R. § 745.83. “Renovation” includes the removal, modification, or repair of painted surfaces or building components, including doors and windows. *Id.* Window replacement does not qualify as a “minor repair and maintenance activity.” *Id.*

7. “Target housing” is defined as any housing constructed prior to 1978, except housing for the elderly or disabled (unless any child who is less than six years old resides or is expected to reside in such housing), or any 0-bedroom dwelling. 40 C.F.R. § 745.103. *See also id.* § 745.83 (incorporating the definitions of 40 C.F.R. § 745.103 into Subpart E).

8. The RRP Rule sets forth procedures and requirements for, among other things: the accreditation of training programs; the certification of renovation firms and individual renovators; the work practice standards for renovation, repair, and painting activities in target housing and child-occupied facilities; and the establishment and maintenance of records. *See generally* 40 C.F.R. Part 745, Subparts E and L.

9. Pursuant to 40 C.F.R. § 745.85 and 40 C.F.R. § 745.89, “renovations” must be performed by certified “firms” using certified “renovators.” Certified “firms” must ensure that all renovations performed by the firm are performed in accordance with the work practice standards in 40 C.F.R. § 745.85. 40 C.F.R. § 745.89(d)(3). A “firm” includes a corporation. *Id.* § 745.83. A “renovator” is defined as “an individual who either performs or directs workers to perform renovations.” *Id.* Pursuant to 40 C.F.R. § 745.90(b)(1), certified renovators must perform or direct workers who perform all work practice standards in 40 C.F.R. § 745.85.

10. Pursuant to Section 409 of TSCA, it is unlawful for any person to fail to comply with any rule issued under Subchapter IV of TSCA (such as the RRP Rule). 15 U.S.C. § 2689. Pursuant to 40 C.F.R. § 745.87(a), the failure to comply with a requirement of the RRP Rule is a violation of Section 409 of TSCA, 15 U.S.C. § 2689. Pursuant to 40 C.F.R. § 745.87(b), the failure to establish and maintain the records required by the RRP Rule is a violation of Sections 15 and 409 of TSCA, 15 U.S.C. §§ 2614 and 2689.

11. Section 16(a)(1) of TSCA, 15 U.S.C. § 2615(a)(1), provides that any person who violates a provision of Section 15 or 409 of TSCA shall be liable to the United States for a civil penalty.

12. Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and 40 C.F.R. § 745.87(d) authorize the assessment of a civil penalty for each day of each violation of the RRP Rule. Violations that occurred on or after January 13, 2009 are subject to penalties up to \$37,500 per day per violation. *See* Civil Monetary Penalty Inflation Adjustment Rule, 78 Fed. Reg. 66,643 (Nov. 6, 2013) (final rule codified at 40 C.F.R. § 19.4 and adjusting

civil penalties for inflation as mandated by Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701).

IV. GENERAL ALLEGATIONS

13. Respondent is a corporation organized under the laws of the state of Delaware with its principal place of business located at 72 Chapel Road, Derby, Connecticut.

14. Respondent owns and operates a facility at 214 Whalley Avenue in New Haven, Connecticut.

15. Respondent is a “firm” as defined at 40 C.F.R. § 745.83.

16. Respondent provides automotive, residential, and commercial glass products and services.

17. Respondent is a “renovator” as defined in 40 C.F.R. § 745.83.

18. With respect to the allegations in this Complaint, Respondent performed renovation projects within the following properties:

- a. On or about April 9, 2014, Respondent conducted a renovation at 15 Highland Terrace in Madison, Connecticut, in which Respondent replaced an awning window and surrounding trim;
- b. On or about January 25, 2012, Respondent conducted a renovation at Building F, Apartment 52 of 200 Goffe Street in New Haven, Connecticut, in which Respondent replaced a three-panel sliding window;
- c. On or about December 13, 2013, Respondent conducted a renovation at 153 Norton Street in New Haven, Connecticut, in which Respondent installed 47 windows, some of which replaced old windows and some of which were installed into new openings; and

d. On or about August 13, 2013, Respondent conducted a renovation at 57 Dawson Avenue in West Haven, Connecticut, in which Respondent replaced two windows and surrounding trim.

19. The renovation projects described in paragraph 18 above each constituted a "renovation," as defined in 40 C.F.R. § 745.83.

20. The renovation projects described in paragraph 18 above were each conducted in properties that were built before 1978, and are "target housing," as defined in 40 C.F.R. § 745.103.

21. None of the properties listed in paragraph 18 were, at the time of the violations alleged herein, housing for the elderly or persons with a disability, as defined by 40 C.F.R. § 745.103.

22. None of the properties listed in paragraph 18 were, at the time of the violations alleged herein, "0-bedroom dwellings," as defined by 40 C.F.R. § 745.103.

23. The renovations that Respondent performed at the target housing properties listed in paragraph 18 did not constitute: (a) minor repairs and maintenance activities; (b) emergency renovation operations; (c) renovations in which a written determination has been made by an inspector (certified pursuant to either 40 C.F.R. § 745.226 or a State or Tribal certification program authorized pursuant to 40 C.F.R. § 745.324) that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight, as those activities are described in 40 C.F.R. § 745.82.

24. On June 12, 2014, EPA conducted an inspection (“Inspection”) of Respondent’s office to determine its compliance with the RRP Rule. Based on the Inspection, Complainant alleges the violations of Counts 1 through 4 below.

V. VIOLATIONS

COUNT 1 – Failure of a Firm to Obtain Initial Certification

25. Complainant incorporates by reference paragraphs 1 through 24.

26. Pursuant to 40 C.F.R. § 745.81(a)(2)(ii), on or after April 22, 2010, no firm may perform, offer, or claim to perform renovations without certification 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 40 C.F.R. § 745.82. Pursuant to 40 C.F.R. § 745.89(a), firms performing renovations for compensation must apply to EPA for certification to perform renovations or dust sampling.

27. Respondent did not obtain firm certification before performing the renovations of target housing described in paragraph 18 above. Moreover, none of the renovations described in paragraph 18 above qualified for an exception identified in 40 C.F.R. § 745.82.

28. Respondent’s failure to obtain certification from EPA prior to performing the four renovations of target housing described in paragraph 18 above, constitutes one violation of 40 C.F.R. § 745.81(a)(2)(ii), 40 C.F.R. § 745.89(a), and TSCA Section 409, 15 U.S.C. § 2689. Thus, Respondent is subject to civil penalties pursuant to TSCA Section 16(a), 15 U.S.C. § 2615(a).

COUNT 2 – Failure to Assign a Certified Renovator

29. Complainant incorporates by reference paragraphs 1 through 28.

30. Pursuant to 40 C.F.R. § 745.89(d)(2), a firm performing renovations must ensure that a certified renovator is assigned to each renovation and discharges all of the certified renovator responsibilities identified in 40 C.F.R. § 745.90.

31. Respondent did not assign a certified renovator to the renovation projects described in paragraph 18 above, and did not ensure that all of the certified renovator responsibilities identified in 40 C.F.R. § 745.90 were discharged.

32. Respondent's failure to assign a certified renovator to the four renovation projects described in paragraph 18 above, and its failure to ensure that all of the certified renovator responsibilities identified in 40 C.F.R. § 745.90 were discharged by a certified renovator in those projects, constitutes four violations of 40 C.F.R. § 745.89(d)(2), and TSCA Section 409, 15 U.S.C. § 2689. Thus, Respondent is subject to civil penalties pursuant to TSCA Section 16(a), 15 U.S.C. § 2615(a).

COUNT 3 – Failure to Provide a Lead-Safe Renovation Pamphlet

33. Complainant incorporates by reference paragraphs 1 through 32.

34. Pursuant to 40 C.F.R. § 745.84(a)(1), no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation shall provide the owner of the unit with a full and complete copy of an EPA-developed or EPA-approved lead-safe renovation pamphlet ("Pamphlet"), as defined at 40 C.F.R. § 745.83, and either: (i) obtain from the owner a written acknowledgment that the owner has received the Pamphlet; or (ii) obtain a certificate of mailing at least seven days prior to the renovation.

35. Respondent did not provide a copy of the Pamphlet to the owners of the target housing properties listed paragraph 18 above, no more than 60 days before Respondent began renovation activities at the properties, as required by 40 C.F.R. § 745.84(a)(1).

36. Likewise, Respondent did not obtain from the four owners of the target housing properties listed in paragraph 18, written acknowledgment that such owner received from Respondent a copy of the Pamphlet prior to the start of the renovation, in violation of 40 C.F.R. § 745.84(a)(1)(i), or certificates of mailing the Pamphlet at least seven days prior to initiating renovation activities at the properties, in violation of 40 C.F.R. § 745.84(a)(1)(ii).

37. Respondent's failure to: (a) provide a copy of the Pamphlet to four owners of the target housing properties listed in paragraph 18 above, and (b) obtain either a written acknowledgment that each owner received the Pamphlet or obtain certificates of mailing at least seven days prior to renovations, constitutes four violations of 40 C.F.R.

§ 745.84(a)(1) and TSCA Section 409, 15 U.S.C. § 2689. Thus, Respondent is subject to civil penalties pursuant to TSCA Section 16(a), 15 U.S.C. § 2615(a).

COUNT 4 – Failure to Retain Records Demonstrating Compliance with the RRP Rule

38. Complainant incorporates by reference paragraphs 1 through 37.

39. Pursuant to 40 C.F.R. § 745.86(a), firms performing renovations must retain, and if requested, make available to EPA, all records necessary to demonstrate compliance with the RRP Rule for three years. Pursuant to 40 C.F.R. § 745.86(b), the records include but are not limited to: any records or reports certifying that a determination had been made that lead-based paint was not present; results of any EPA-recognized test kits or paint chip analysis prepared by a certified renovator; and certification by a certified

renovator of the firm's compliance with the work practice standards of 40 C.F.R.

§ 745.85, including requirements to post warning signs, contain waste on-site and during transport, contain, and after renovations, clean, the work area according certain standards, and perform a post-renovation cleaning verification.

40. Respondent did not retain the records necessary to demonstrate compliance with the RRP Rule for the renovation projects described in paragraph 18 above, as required by 40 C.F.R. §§ 745.86(a) and (b).

41. Respondent's failure to retain the records necessary to demonstrate compliance with the RRP Rule for the four renovation projects described in paragraph 18 above, constitutes four violations of 40 C.F.R. § 745.86 and TSCA Section 409, 15 U.S.C. § 2689. Thus, Respondent is subject to civil penalties pursuant to TSCA Section 16(a), 15 U.S.C. § 2615(a).

VI. PROPOSED PENALTY

42. As discussed in paragraph 12 above, the maximum penalty for violations of the RRP Rule shall be no more than \$37,500 for each violation occurring after January 12, 2009.

43. In determining the amount of any penalty to be assessed, Section 16 of TSCA requires EPA to consider the nature, circumstances, extent, and gravity of the violations and, with respect to the violator, its ability to pay, the effect of the proposed penalty on the ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require. *See* 15 U.S.C. § 2615(a)(2)(B).

44. To assess a penalty for the alleged violations in this Complaint, Complainant will take into account the particular facts and circumstances of this case with specific

reference to EPA's August 2010 Interim Final Policy entitled, "Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule" (the "LBP Consolidated ERPP"), a copy of which is enclosed with this Complaint. The LBP Consolidated ERPP provides a rational, consistent, and equitable calculation methodology for applying the statutory penalty factors enumerated above to particular cases.

45. By this Complaint, Complainant seeks to assess civil penalties of up to the statutory maximum per violation against the Respondent for the following violations:

- a. COUNT 1: At least one (1) violation of 40 C.F.R. §§ 745.81(a)(2)(ii) and 745.89(a) for failure to obtain EPA certification as a firm before performing renovation activities – The RRP Rule requirements are intended to prevent exposure to lead during renovations. A firm's failure to obtain initial EPA certification prior to offering or performing renovations in target housing has a significant likelihood of impacting human health and the environment through, for example, failure to use best work practices, failure to convey to owners the risks associated with renovations, and failure to have adequate knowledge for meeting all RRP Rule obligations.
- b. COUNT 2: At least four (4) violations of 40 C.F.R. § 745.89(d)(2) for failure to assign certified renovators – A firm's failure to assign and use certified renovators to discharge all renovator duties under the RRP Rule for renovation activities performed in target housing has a significant chance of impacting human health and the environment. The failure to assign and use certified renovators increases the likelihood that renovators will not, for example, use lead-safe renovation practices and EPA-approved methods during the work, which thereby, will increase the chances of an owner's exposure to lead during and/or after the renovation.
- c. COUNT 3: At least four (4) violations of 40 C.F.R. § 745.84(a)(1) for failure to provide lead-safe renovation pamphlet – A firm's failure to provide an EPA-approved lead hazard information pamphlet to owners prior to renovating has a significant likelihood of impacting human health and the environment. Without receiving a pamphlet, it is likely that the owner's ability to properly assess information about the risks of exposure to lead-based paint and to weigh this information with regard to renovations in the target housing will be impaired.

- d. COUNT 4: At least four (4) violations of 40 C.F.R. § 745.86 for failure to retain records demonstrating compliance with the RRP Rule – A firm’s failure to retain records demonstrating the firm’s compliance with the RRP Rule has some likelihood of impacting human health and the environment. By not documenting that the firm complied with the RRP Rule, EPA cannot ensure that a firm used lead-safe work practices, conveyed to owners the risks associated with renovations in target housing, and had adequate knowledge to meet all RRP Rule obligations.

46. Prior to any hearing on this case, EPA will file a document specifying a proposed penalty amount for all of the violations alleged in this proceeding and explaining how the amount was calculated, as required by the Consolidated Rules of Practice. Complainant will calculate a proposed penalty based, in part, on its current knowledge of the Respondent’s financial condition. The proposed penalty may be adjusted if Respondent establishes *bona fide* issues or defenses relevant to the appropriate amount of the penalty. At the time of payment, Respondent shall pay the civil penalty with a cashier’s or certified check, payable to the Treasurer, United States of America. Respondent should note on the check the docket number of this Complaint (TSCA-01-2015-0013). The check should be in the amount specified in the document filed by EPA, described earlier in this paragraph, and be payable to “Treasurer, United States of America.” The payment shall be remitted as follows:

If remitted by regular U.S. mail:

U.S. Environmental Protection Agency / Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

If remitted by any overnight commercial carrier:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, Missouri 63101

If remitted by wire transfer: Any wire transfer must be sent directly to the Federal Reserve Bank in New York City using the following information:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read "D 68010727"

In addition, at the time of payment, Respondents should also forward notice of payment of the civil penalty as well as copies of the payment check or payment receipt to:

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code: ORA18-1
Boston, Massachusetts 02109-3912

and

Christine M. Foot
Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code: OES 04-2
Boston, Massachusetts 02109-3912

47. Neither the assessment nor payment of an administrative penalty shall affect Respondent's continuing obligation to comply with all applicable requirements of federal law.

VII. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

48. As provided by Section 16(a)(2)(A) of TSCA, 15 U.S.C. § 2615(a)(2)(A), and in accordance with 40 C.F.R. § 22.14, Respondent has a right to request a hearing on any material fact alleged in this Complaint. Any such hearing would be conducted in accordance with EPA's Consolidated Rules of Practice, 40 C.F.R. Part 22, a copy of

which is enclosed with this Complaint. **Any request for a hearing must be included in Respondent's written Answer to this Complaint ("Answer") and filed with the Regional Hearing Clerk at the address listed below within thirty (30) days of receipt of this Complaint.**

49. The Answer shall clearly and directly admit, deny, or explain each of the factual allegations contained in the Complaint. Where Respondent has no knowledge as to a particular factual allegation and so states, the allegation is deemed denied. The failure of Respondent to deny an allegation contained in the Complaint constitutes an admission of that allegation. The Answer must also state the circumstances or arguments alleged to constitute the grounds of any defense; the facts that Respondent disputes; the basis for opposing any proposed penalty; and whether a hearing is requested. *See* 40 C.F.R. § 22.15 of the Consolidated Rules of Practice for the required contents of an Answer.

50. The original and one copy of any motions or other pleadings filed or made before an Answer to the Complaint is filed, the Answer to the Complaint, and any Consent Agreement and Final Order to settle the case filed in this action must be sent to:

Wanda I. Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (Mail Code: ORA 18-1)
Boston, Massachusetts 02109-3912

After an Answer has been filed, except for a Consent Agreement and Final Order settling the case, a copy of all other documents Respondent files in this action must be sent to the Headquarters Hearing Clerk, in the following manner:

For U.S. Postal Service mailings -
Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges

Mail Code 1900R
1200 Pennsylvania Ave., NW
Washington, DC 20460

For UPS, FedEx, DHL or other courier, or personal delivery -

Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Rm. M1200
1300 Pennsylvania Ave., NW
Washington, DC 20460

51. Respondent shall also serve a copy of the Answer, as well as a copy of all other documents that Respondent files in this action, to Christine Foot, the attorney assigned to represent Complainant in this matter, and the person who is designated to receive service in this matter under 40 C.F.R. § 22.5(c)(4), at the following address:

Christine Foot
Enforcement Counsel
U.S. EPA, Region 1
5 Post Office Square – Suite 100
Mail Code: OES04-2
Boston, Massachusetts 02109-3912

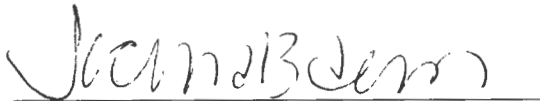
52. The filing and service of documents, other than the complaint, rulings, orders, and decisions, in all cases before the Region 1 Regional Judicial Officer governed by the Consolidated Rules of Practice may be filed and served by email, consistent with the “Standing Order Authorizing Filing and Service by E-mail in Proceedings Before the Region 1 Regional Judicial Officer,” a copy of which has been provided with the Complaint.

53. If Respondent fails to file a timely Answer to the Complaint, Respondent may be found to be in default, pursuant to 40 C.F.R. § 22.17 of the Consolidated Rules of Practice. For purposes of this action only, default by Respondent constitutes an admission of all facts alleged in the Complaint and a waiver of Respondent’s right to

contest such factual allegations under Section 16(a)(2)(A) of TSCA. Pursuant to 40 C.F.R. § 22.17(d), the penalty assessed in the default order shall become due and payable by Respondent, without further proceedings, thirty (30) days after the default order becomes final.

VIII. SETTLEMENT CONFERENCE

54. Whether or not a hearing is requested upon filing an Answer, Respondent may confer informally with Complainant or her designee concerning the violations alleged in this Complaint. Such conference provides Respondent with an opportunity to respond informally to the allegations, and to provide whatever additional information may be relevant to the disposition of this matter. Please note that a request for an informal settlement conference by Respondent does not automatically extend the 30-day time period within which a written Answer must be submitted in order to avoid becoming subject to default. The deadline by which Respondent must file an Answer is only extended on a motion granted by the Regional Judicial Officer in accordance with the Consolidated Rules of Practice. To explore the possibility of settlement, Respondent or Respondent's counsel should contact Christine Foot, Enforcement Counsel, at the address cited above or by calling (617) 918-1333.



Joanna B. Jerison
Legal Enforcement Manager
Office of Environmental Stewardship
U.S. EPA, Region 1

3/6/15
Date

In the Matter of: The Whalley Glass Company
Docket No. TSCA-01-2015-0013

CERTIFICATE OF SERVICE

I hereby certify that foregoing Complaint and Notice of Opportunity for Hearing has been sent to the following persons on the date noted below:

Original and one copy,
hand-delivered:

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square Suite 100
Mail Code ORA18-1
Boston, MA 02109-3912

One copy,
Certified Mail, Return Receipt
Requested:

Mark S. Vece, President
The Whalley Glass Company
72 Chapel Street
Derby, Connecticut 06418

Dated: 3/9/15



Christine Foot, Enforcement Counsel
U.S. EPA, Region 1
5 Post Office Square Suite 100
Mail Code OES04-2
Boston, MA 02109-3912
Phone: 617-918-1333
Fax: 617-918-0333
E-mail: foot.christine@epa.gov