

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219**

BEFORE THE ADMINISTRATOR

In the Matter of:)
)
LHP, LLC) **Docket. No. TSCA-07-2014-0029**
)
Respondent.)

CONSENT AGREEMENT AND FINAL ORDER

PRELIMINARY STATEMENT

This proceeding for the assessment of a civil penalty was initiated on May 29th, 2014, pursuant to Section 409 of the Toxic Substance Control Act (TSCA), 15 U.S.C. § 2689, when Complainant issued a Complaint and Notice of Opportunity For Hearing ("Complaint") to LHP, LLC. (Respondent). The Complaint charged Respondent for failing to comply with the regulatory requirements of 40 C.F.R. Part 745, Subpart E, *Residential Property Renovation*, promulgated pursuant to 15 U.S.C. 2682(c), 2686, and 287. The Complaint proposed a total civil penalty of Twenty-Six Thousand Eight Hundred and Forty Dollars (\$26,840) against Respondent for the violations. The parties subsequently entered negotiations in an attempt to settle the allegations contained in the Complaint. This Consent Agreement and Final Order is the result of such negotiations, and fully and finally resolves the allegations contained in the Complaint.

CONSENT AGREEMENT

1. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in the Complaint.

2. Respondent neither admits nor denies the specific factual allegations set forth in the Complaint.

3. Respondent waives any right to contest the allegations set forth in the Complaint, and its right to appeal the proposed Final Order portion of this Consent Agreement and Final Order.

4. Respondent and EPA agree to settle this matter without the necessity of a formal hearing and to each bear their own respective costs and attorneys fees.

5. Respondent certifies by the signing of this Consent Agreement and Final Order that to the best of its knowledge and belief it is presently in compliance with TSCA, 15 U.S.C. § 2689 *et. seq.*, and all regulations promulgated thereunder.

6. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the payment of a mitigated civil penalty in the amount of: (1) Eight Thousand Eight Hundred and Forty Dollars (\$8,840) to be paid within thirty (30) days after the effective date of the Final Order.

7. Respondent understands that failure to timely pay any portion of the mitigated civil penalty stated in Paragraph 6 above, may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties, late payment handling charges, and accumulated interest. In such case, interest shall accrue thereon at the applicable statutory rate on the unpaid balance until such civil penalty and any accrued interest are paid in full. A late payment handling charge will be imposed after thirty (30) days and an additional charge for each subsequent thirty (30) day period will be assessed. Additionally, as provided by 31 U.S.C. § 3717(e)(2), a six percent (6%) per annum penalty (late charge) may be assessed on any amount not paid within ninety (90) days of the due date.

FINAL ORDER

Pursuant to the provisions of Section 409 of TSCA, as amended, 15 U.S.C. § 2689, and based upon the information set forth in the Consent Agreement accompanying this Final Order, **IT IS HEREBY ORDERED THAT:**

1. Respondent shall pay a mitigated civil penalty in the amount of: (1) Eight Thousand Eight Hundred and Forty Dollars (\$8,840) to be paid within thirty (30) days after the effective date of the Final Order.

2. Payment of the penalty shall be by cashier's or certified checks which shall identify the Respondent by name and Docket Number TSCA-07-2015-0029, and made payable to "United States Treasury" and remitted to:

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

3. Copies of the checks shall simultaneously be sent to the following:

Robert W. Richards
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219; and

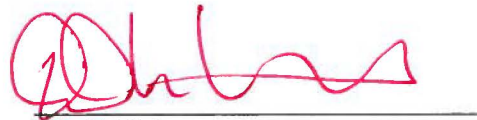
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

4. Respondent and Complainant shall each bear their own costs and attorneys' fees incurred as a result of this matter.

5. This Consent Agreement and Final Order shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

**RESPONDENT:
LHP, LLC**


Date: 3-22-16

A handwritten signature in red ink, appearing to read 'David Fiala', written over a horizontal line.

David Fiala
Authorized Officer
LHP, LLC


**COMPLAINANT:
U.S. ENVIRONMENTAL PROTECTION AGENCY**

Date: 3/22/2016



Jamie Green
Chief
Toxics and Pesticides Branch
Water, Wetlands and Pesticides Division

Date: 3/22/16




Robert W. Richards
Attorney
Office of Regional Counsel

IT IS SO ORDERED.

Date: 3.22.16

Acting
for



MARK HAGUE
Regional Administrator
U.S. Environmental Protection Agency Region 7

IN THE MATTER OF LHP, LLC, Respondent
Docket No. TSCA-07-2014-0029

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:

Copy delivered to
Attorney for Complainant via email:

richards.robert@epa.gov

Copy by First Class Mail to:

Cynthia M Rote, Esq
Managing Partner
Delaney Law, PC
444 North Wabash Avenue, 3rd Floor
Chicago, Illinois 60611

William Delaney, Esq.
Attorney
Delaney Law, PC
444 North Wabash Avenue, 3rd Floor
Chicago, Illinois 60611

Copy by Facsimile and
First Class Pouch Mail to:

The Honorable Susan L. Biro
Chief Administrative Law Judge
U. S. Environmental Protection Agency
Office of Administrative Law Judges
1200 Pennsylvania Avenue, NW
Mail Code 1900R
Washington, D. C. 20460

and

IN THE MATTER OF LHP, LLC, Respondent
Docket No. TSCA-07-2014-0029

The Honorable Christine Donelian Coughlin
Administrative Law Judge
U. S. Environmental Protection Agency
Office of Administrative Law Judges
1200 Pennsylvania Avenue, NW
Mail Code 1900R
Washington, D. C. 20460

Dated: 3/23/14



Kathy Robinson
Hearing Clerk, Region 7