



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

OCT 23 2015

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL:**  
**RETURN RECEIPT REQUESTED**

John Robichaud / Owner  
Great Lakes Construction  
4949 West Dunbar Road  
Monroe, Michigan 48161

Expedited Settlement Agreement In the Matter of  
Great Lakes Construction: Docket No. **TSCA-05-2016-0003**

Mr. Robichaud:

Enclosed please find a copy of a fully executed Expedited Settlement Agreement in resolution of the above case. This document was filed on October 23, 2015 with the Regional Hearing Clerk.

The civil penalty in the amount of \$200.00 is to be paid in the manner described in paragraph 8. Please be certain that the docket number is written on both the transmittal letter and on the check.

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in cursive script that reads "Pamela Grace".

Pamela Grace  
Pesticides and Toxics Compliance Section

Enclosure

UNITED STATES  
 ENVIRONMENTAL PROTECTION AGENCY  
 REGION 5



IN THE MATTER OF:	)	Docket No.
	)	
Great Lakes Construction	)	<b>TSCA-05-2016-0003</b>
Monroe, Michigan	)	
	)	EXPEDITED SETTLEMENT
Respondent.	)	AGREEMENT AND
	)	FINAL ORDER
	)	
	)	

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

1. The United States Environmental Protection Agency (EPA) alleges that Great Lakes Construction (Respondent) failed to comply with regulations promulgated under Section 402 of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2682, in violation of Section 409 of TSCA, 15 U.S.C. § 2689.
2. Specifically, EPA alleges that when, on or about May 30, 2014, Respondent performed renovation work for compensation at target housing and/or a child-occupied facility located at 216 East Grove, Monroe, Michigan, Respondent violated TSCA as follows:
  - a. On or after October 1, 2010, Respondent performed, offered, or claimed to perform renovations of target housing or child-occupied facilities without being certified by EPA under 40 C.F.R. § 745.89 to conduct renovation, repair, and/or painting activities in target housing and/or child-occupied facilities, pursuant to 40 C.F.R. §§ 745.81(a)(2)(ii) and 745.89(a), in violation of Section 409 of TSCA, 15 U.S.C. § 2689.
3. EPA and Respondent agree that settlement of this matter for a civil penalty of \$200 for the violation identified in Paragraph 2 is in the public interest.
4. EPA is authorized to enter into this Expedited Settlement Agreement and Final Order (Agreement) pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 40 C.F.R. § 22.13(b).
5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to 40 C.F.R. § 745.81(a) and 40 C.F.R. § 745.89; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (3) neither admits nor denies the factual allegations contained herein; and (4) consents to the assessment of this penalty.
6. By its signature below, Respondent certifies, subject to civil and criminal penalties for making false submissions to the United States Government, that: (1) it has applied to EPA for certification under 40 C.F.R. § 745.89; and (2) along with this Agreement Respondent is submitting proof of its application for certification in accordance with 40 C.F.R. § 745.89, including a signed copy of its "Application for Firms" and proof of payment of its application fee.

7. Within 120 days after the effective date of this Agreement, Respondent shall submit to EPA a notice of certification that states Respondent's name, complete address, and the case docket number, along with proof of its certification in accordance with 40 C.F.R. §§ 745.81(a)(2)(ii) and 745.89, at the following addresses:

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Pamela Grace (LC-8J)  
Pesticides and Toxics Compliance Section  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Puja Lakhani (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

8. Within 30 days after the effective date of this Agreement, Respondent shall pay a civil penalty of \$200 for the TSCA violation identified in this Agreement by sending a cashier's or certified check, payable to "Treasurer, United States of America" to:

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

The check must state the case title ("In the Matter of: Great Lakes Construction"), and the docket number of this Agreement.


9. Respondent must send a notice of payment that states Respondent's name, complete address, and the case docket number (along with a photocopy of the check) to EPA at the addresses listed in paragraph 7, above, when it pays the penalty.
10. This civil penalty is not deductible for federal tax purposes.
11. If Respondent does not pay timely the civil penalty, EPA may refer this matter to the Attorney General who will recover such amount, plus interest, in the appropriate district court of the United States under Section 16(a) of TSCA, 15 U.S.C. § 2615(a). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.
12. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this Agreement. Interest will accrue on any amount overdue at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

13. This Agreement resolves only Respondent's liability for federal civil penalties for the violations alleged in the Agreement.
14. This Agreement does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.
15. 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.
16. This Agreement does not affect Respondent's responsibility to comply with TSCA, 15 U.S.C. § 2601 *et seq.*, and other applicable federal, state, and local laws.
17. Respondent certifies that it is complying with Section 402 of TSCA, 15 U.S.C. § 2682, and its implementing regulations at 40 C.F.R. Part 745.
18. The terms of this Agreement bind Respondent, and its successors and assigns.
19. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.
20. Upon signing and returning this Agreement to EPA, Respondent 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 Expedited Settlement Agreement, 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.
21. Each party shall bear its own costs and fees, if any.
22. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b) is effective upon filing.

IT IS SO AGREED.

NAME (print): John Robichaud

TITLE (print): OWNER

SIGNATURE: 

DATE: 10/6/15

APPROVED BY EPA:



DATE: 10/19/2015

Margaret M. Guerriero  
Director  
Land and Chemicals Division  
U. S. Environmental Protection Agency  
Region 5

FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED.

10/20/2015  
Date

  
\_\_\_\_\_  
Susan Hedman  
Regional Administrator  
U. S. Environmental Protection Agency  
Region 5

In the matter of: Great Lakes Construction  
Docket Number: **TSCA-05-2016-0003**

**CERTIFICATE OF SERVICE**

I certify that I served a true and correct copy of the foregoing Expedited Settlement Agreement which was filed on October 23, 2015 in the following manner to the addressees:

Copy by Certified Mail  
Return-receipt:

John Robichaud / Owner  
Great Lakes Construction  
4949 West Dunbar Road  
Monroe, Michigan 48161

Copy by E-mail to  
Attorney for Complainant:

Puja Lakhani  
Lakhani.puja@epa.gov

Copy by E-mail to  
Regional Judicial Officer:

Ann Coyle  
coyle.ann@epa.gov

Dated:

October 23, 2015 

LaDawn Whitehead  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5

CERTIFIED MAIL RECEIPT NUMBER(S):

7011 1150 0000 2640 4352