



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

OCT 12 2018

REPLY TO THE ATTENTION OF

LC-17J

VIA EMAIL

Mr. Fred Finn
Owner
Euro-Tech, Inc.
313 West Irving Park Road
Bensenville, Illinois 60108
fredf@eurotechinc.net

Consent Agreement and Final Order – In the matter of: Euro-Tech, Inc.
Docket No. TSCA-05-2019-0001

Dear Mr. Finn:

Enclosed please find a copy of a fully executed Consent Agreement and Final Order in resolution of the above case. This document was filed on October 13, 2018 with the Regional Hearing Clerk.

The civil penalty in the amount of \$52,793 is to be paid in the manner prescribed in paragraphs 38 and 39. Please be certain that the docket number is written on the transmittal letter. Payment is due within 30 calendar days of the filing date.

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in blue ink that reads "Scott Bessler".

for Scott Bessler
Pesticides and Toxics Compliance Section

Enclosure

cc: Matthew R. Dawson (C-14J)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:

Euro-Tech, Inc.
Bensenville, Illinois,

Respondent.



Docket No. TSCA-05-2019-0001

Proceeding to Assess a Civil
Penalty Under Section 16(a) of the
Toxic Substances Control Act,
15 U.S.C. § 2615(a)

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.
2. The Complainant is the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency (EPA), Region 5.
3. Respondent is Euro-Tech, Inc., a corporation with a place of business located at 313 West Irving Park Road, Bensenville, Illinois.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).
5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.
6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided in 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

Statutory and Regulatory Background

9. In promulgating the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X), Pub. L. 102-550, 106 Stat. 3897 (codified in scattered sections of 15 U.S.C. and 42 U.S.C.), Congress found, among other things, that low-level lead poisoning is widespread among American children, afflicting as many as 3,000,000 children under the age of 6; at low levels, lead poisoning in children causes intelligence deficiencies, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity, and behavior problems; and the ingestion of household dust containing lead from deteriorating or abraded lead-based paint is the most common cause of lead poisoning in children. A key component of the national strategy to reduce and eliminate the threat of childhood lead poisoning is to educate the public concerning the hazards and sources of lead-based paint poisoning and steps to reduce and eliminate such hazards.

10. Section 1021 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 amended TSCA, 15 U.S.C. § 2601 *et seq.*, by adding Subchapter IV – Lead Exposure Reduction, 15 U.S.C. §§ 2681 through 2692.

11. Section 402(a) of TSCA, 15 U.S.C. § 2682, requires the Administrator of EPA to promulgate regulations to ensure that individuals engaged in lead-based paint activities are properly trained; that training programs are accredited; that contractors engaged in such activities

are certified; and that such regulations contain standards for performing lead-based paint activities, taking into account reliability, effectiveness, and safety.

12. Section 402(c) of TSCA, 15 U.S.C. § 2682, requires the Administrator of EPA to promulgate guidelines for the conduct of renovation and remodeling activities to reduce the risk of exposure to lead in connection with renovation and remodeling of target housing and public buildings built before 1978, and commercial buildings, and to revise the regulations under Section 402(a) of TSCA to apply those regulations to renovation or remodeling activities in target housing, public buildings constructed before 1978, and commercial buildings that create lead-based paint hazards.

13. Section 407 of TSCA, 15 U.S.C. § 2687, requires the regulations promulgated by the Administrator of EPA under Subchapter IV to include such recordkeeping and reporting requirements as may be necessary to insure the effective implementation of the TSCA Lead Exposure Reduction requirements, 15 U.S.C. §§ 2681 through 2692.

14. Under Section 409 of TSCA, 15 U.S.C. § 2689, it shall be unlawful for any person to fail or refuse to comply with any rule or order issued under Subchapter IV – Lead Exposure Reduction, 15 U.S.C. §§ 2681 through 2692. *See also* 40 C.F.R. § 745.87.

15. Under Section 15 of TSCA, 15 U.S.C. § 2614, it shall be unlawful for any person to fail or refuse to establish and maintain records, submit reports, notices, or other information, or permit access to or copying of records, as required by TSCA or a rule thereunder. *See also* 40 C.F.R. § 745.87.

16. Pursuant to Sections 402 and 406 of TSCA, 15 U.S.C. §§ 2682 and 2686, EPA promulgated the residential property renovation regulations at 40 C.F.R. Part 745, Subpart E, prescribing procedures and requirements for: the accreditation of renovator training programs;

certification of individuals and firms; work practice standards for renovation, repair and painting activities in target housing and child-occupied facilities; and recordkeeping to demonstrate compliance with work practice standards. 73 Fed. Reg. 21691 (April 22, 2008).

17. 40 C.F.R. § 745.82(a) provides that Subpart E applies to all renovations performed in target housing and child-occupied facilities, with certain exceptions not relevant here.

18. 40 C.F.R. § 745.83 defines *firm* to mean a company, partnership, corporation, sole proprietorship, or individual doing business, association, or other business entity; a Federal, State, Tribal, or local government agency; or a nonprofit organization.

19. 40 C.F.R. § 745.83 defines *renovation* to mean the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by this part (40 C.F.R. § 745.223). The term renovation includes (but is not limited to): the removal, modification or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust); the removal of building components (e.g., walls, ceiling, plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planing thresholds to install weather stripping), and interim controls that disturb painted surfaces.

20. 40 C.F.R. § 745.83 defines *renovator* to mean an individual who either performs or directs workers who perform renovations. A certified renovator is a renovator who has successfully completed a renovator course accredited by EPA or an EPA authorized State or Tribal Program.

21. 40 C.F.R. § 745.103 defines *target housing* to mean any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than six (6) years of age resides or is expected to reside in such housing) or any zero-bedroom dwelling.

22. 40 C.F.R. § 745.86(a) requires firms performing renovations to retain and, if requested, make available to EPA all records necessary to demonstrate compliance with 40 C.F.R. Part 745, Subpart E for a period of three years following completion of the renovation.

23. 40 C.F.R. § 745.86(b)(6) requires a firm to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining records to document that a certified renovator was assigned to the renovation project.

24. 40 C.F.R. § 745.86(b)(6) requires a firm to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining records to document that a certified renovator performed or directed workers who performed all of the work practice standards described in 40 C.F.R. § 745.85(a).

25. 40 C.F.R. § 745.86(b)(6)(i) requires a firm to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining records to document that the certified renovator performed on-the-job training for workers used on the renovation project.

26. 40 C.F.R. § 745.86(b)(6)(viii) requires a firm to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining records to document that the certified renovator performed the post-cleaning verification described in 40 C.F.R. § 745.85(b).

27. 40 C.F.R. § 745.86(b)(6) requires a firm to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining a copy of a certification from the certified

renovator assigned to the project certifying the requirements in 40 C.F.R. § 745.86(b)(6)(i) through (viii) were completed.

28. Section 16(a) of TSCA, 42 U.S.C. § 2615(a), 40 C.F.R. § 745.87(d), and 40 C.F.R. Part 19, authorize the Administrator of EPA to assess a civil penalty of up to \$37,500 per violation for each day of violation of Sections 15 and 409 of TSCA that occurred after January 9, 2009 through November 2, 2015, and up to \$38,892 per violation for each day of violation that occurred after November 2, 2015.

Factual Allegations and Alleged Violations

29. At all times relevant to this Complaint, Respondent was a corporation with a place of business located at 313 West Irving Park Road, Bensenville, Illinois, and was therefore a *firm* as defined by 40 C.F.R. § 745.83.

30. On July 21, 2016, EPA conducted an on-site inspection at Respondent's place of business located at 313 West Irving Park Road, Bensenville, Illinois regarding Respondent's compliance with the residential property renovation requirements at 40 C.F.R. Part 745, Subpart E.

31. Based on information gathered during the on-site inspection on July 21, 2016, on forty-two occasions from September 27, 2013, to June 30, 2016, Respondent performed or directed workers who performed window replacements at the properties described in the chart below:

Renovation Work Performed at Target Housing

Housing Address	Year Built	Contracted Work	Date(s) Work Performed
10316 Ventura Blvd., Machesney Park, IL	1949	Window Replacement	September 27, 2013
405 2nd Ave., Forresteron, IL	1928	Window Replacement	October 9, 2013
616 Anderson Blvd., Geneva, IL	1917	Window Replacement	October 10, 2013
4904 N Mulligan, Chicago, IL	1844	Window Replacement	October 13, 2013
3923 N Odell Ave., Chicago, IL	1946	Window Replacement	October 28, 2013
140 Weaver Rd., Cary, IL	1950	Window Replacement	November 7, 2013
10100 S Oakley Ave., Chicago, IL	1952	Window Replacement	January 7, 2014
202 W South Ave., Annawan, IL	1949	Window Replacement	February 17, 2014
805 Parkwood Ave., Rockford, IL	1953	Window Replacement	March 11, 2014
1509 Henry Pl., Waukegan, IL	1935	Window Replacement	March 14, 2014
201 South 3rd St., Oregon, IL	1945	Window Replacement	April 3, 2014
1139 Cobb Blvd., Kankakee, IL	1940	Window Replacement	May 14, 2014
1210 20th St., Zion, IL	1948	Window Replacement	July 6, 2014
2236 N 76th Ave., Elmwood Park, IL	1929	Window Replacement	July 7, 2014
1855 Happ Rd., Northbrook, IL	1954	Window Replacement	July 22, 2014
1112 Lyman Ave., Oak Park, IL	1923	Window Replacement	October 14, 2014
6308 Main St., Union, IL	1920	Window Replacement	December 18, 2014
632 Lindsay Ave, Waukegan, IL	1950	Window Replacement	January 5, 2015
647 N 10th St., Dekalb, IL	1951	Window Replacement	January 16, 2015
10108 W Beach Rd., Beach Park, IL	1941	Window Replacement	January 16, 2015
214 1st St., Crystal Lake, IL	1900	Window Replacement	March 5, 2015
329 S Prairie, Batavia, IL	1875	Window Replacement	April 6, 2015
2420 Chinook Rd., Waukegan, IL	1953	Window Replacement	May 15, 2015
2709 Hawthorne St., Franklin Park, IL	1944	Window Replacement	May 29, 2015

290 South Ave., Hampshire, IL	1947	Window Replacement	June 11, 2015
3645 N Newcastle, Chicago, IL	1922	Window Replacement	June 23, 2015
11917 Longwood Dr., Blue Island, IL	1927	Window Replacement	June 26, 2015
3111 N Ruby, Franklin Park, IL	1930	Window Replacement	July 2, 2015
370 Millard Ave., Crystal Lake, IL	1950	Window Replacement	July 20, 2015
1518 W Erie., Chicago, IL	1890	Window Replacement	August 7, 2015
524 Barden St., Morrison, IL	1900	Window Replacement	August 13, 2015
2309 Lynwood St., Crest Hill, IL	1939	Window Replacement	August 25, 2015
3238 S 48th St., Cicero, IL	1891	Window Replacement	September 10, 2015
14216 W 135th Ave., Cedar Lake, IL	1936	Window Replacement	September 18, 2015
337 E 138th St., Dolton, IL	1899	Window Replacement	January 19, 2016
18041 Ridgewood, Lansing, IL	1942	Window Replacement	February 19, 2016
4439 N Sayre, Harwood Heights, IL	1949	Window Replacement	April 4, 2016
3016 S Union St. Chicago, IL	1884	Window Replacement	April 11, 2016
435 S Lewis, Lombard, IL	1952	Window Replacement	May 5, 2016
740 E 82nd, Chicago, IL	1925	Window Replacement	May 23, 2016
905 Thomas Ave, Forest Park, IL	1932	Window Replacement	June 21, 2016
118 St Louis Ave., Rockford, IL	1931	Window Replacement	June 30, 2016

32. The window replacements that Respondent performed at the properties listed in paragraph 31, above, were modifications of the buildings' existing structure that resulted in disturbance of painted surfaces, and were therefore *renovations* as defined in 40 C.F.R. § 745.83.

33. During the July 21, 2016 inspection, EPA requested all records for the renovations that Respondent had performed during the three years prior to the date of the inspection. Respondent provided contracts for the forty-two renovations identified in paragraph 31, above,

but did not provide any records necessary to demonstrate compliance with work practice standards in 40 C.F.R. § 745.85.

34. The buildings listed at the addresses in paragraph 31, above, are residential housing built prior to 1978, and therefore are *target housing* as defined in 40 C.F.R. § 745.103.

35. Respondent either performed or directed workers to perform the renovations described in paragraph 31, above, and is therefore a *renovator* as defined in 40 C.F.R. § 745.83.

36. For each renovation project described in paragraph 31, Respondent failed to retain and make available to EPA all records necessary to demonstrate compliance with Subpart E for a period of 3 years following completion of the renovations, in violation of 40 C.F.R. § 745.86(a) and 15 U.S.C. § 2689.

Civil Penalty

37. Pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), Complainant determined that an appropriate civil penalty to settle this action is \$52,793. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations alleged and, with respect to Respondent, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other factors as justice may require.

38. Within 30 days after the effective date of this CAFO, Respondent must pay a \$52,793 civil penalty for the TSCA violations 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 Respondent's name and the docket number of this CAFO.

39. Respondent must send a notice of payment that states Respondent's name and the case docket number to EPA at the following addresses when it pays the penalty:

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

Scott Bessler (LC-17J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

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

40. This civil penalty is not deductible for federal tax purposes.

41. 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.

42. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date the payment was due 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.

General Provisions

43. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: dawson.matthew@epa.gov (for Complainant), and fredf@eurotechinc.net (for Respondent).

44. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

45. This CAFO 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.

46. This CAFO does not affect Respondent's responsibility to comply with TSCA, 15 U.S.C. § 2601 *et seq.*, its implementing regulations, and other applicable federal, state, and local laws.

47. Respondent certifies that it is complying with the residential property renovation regulations at 40 C.F.R. Part 745, Subpart E.

48. This CAFO constitutes a "prior such violation" as that term is used in EPA's Interim Final Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule to determine Respondent's "history of prior such violations" under Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B).

49. The terms of this CAFO bind Respondent, and its successors and assigns.

50. 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.

51. Each party agrees to bear its own costs and attorneys' fees in this action.

52. This CAFO constitutes the entire agreement between the parties.

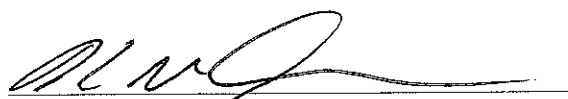
United States Environmental Protection Agency, Complainant

10-11-18
Date

Tinka G. Hyde
Tinka G. Hyde
Division Director
Land and Chemicals Division

Euro-Tech, Inc., Respondent

9/27/18
Date

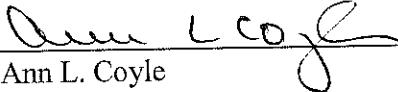

Kevin M. Tierney,
Attorney for Euro-Tech, Inc.

**Consent Agreement and Final Order
In the Matter of: Euro-Tech, Inc.
Docket No. TSCA-05-2019-0001**

Final Order

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

10/12/18
Date



Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5

Consent Agreement and Final Order
In the matter of: Euro-Tech, Inc.
Docket Number: TSCA-05-2019-0001

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, docket number **TSCA-05-2019-0001**, which was filed on

October 12, 2018, in the following manner to the following addressees:

Copy by E-mail to Respondent: Fred Finn
Owner
Euro-Tech, Inc.
313 West Irving Park Road
Bensenville, Illinois 60108
fredf@eurotechinc.net

Copy by E-mail to
Attorney for Complainant: Matthew R. Dawson
dawson.matthew@epa.gov

Copy by E-mail to
Attorney for Respondent: Kevin M. Tierney
kmt@berensonllp.com

Copy by E-mail to
Regional Judicial Officer: Ann Coyle
coyle.ann@epa.gov

Dated: October 12, 2018



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